

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1181 of 2017

1. Md. Atikur Rahman and Ors Son of Late Md. Mujibur Rahman, Resident of Village-Kursel, P.O.-Jhawa Via Salmari, District-Katihar.Pin Code-855113
2. Prakash Chander Bishwas, Son of Basudeo Prasad Biswas, Resident of Village-Babhangao, P.O.-Kadwa via Sonaili, District-Katihar. Pin Code-855114.
3. Sanjiv Kumar Mahto, Son of Ramchander Mahto, Resident of Village-Sohsa, P.O.-Jhauwa, P.S.-Kadwa, District-Katihar. Pin Code-855113
4. Sanjiv Kumar Bishwas, Son of Late Deonarain Bishwas, Resident of Village-Kachora, via Sonaili, P.O. P.S.-Kadwa District-Katihar. Pin Code-855114.
5. Vijay Kumar, Son of Nenai Sorapanch @ Nenai Mahto, Resident of Village-Bharri, P.O.-Bharri, P.S.-Kadwa District-Katihar.
6. Subodh Kumar Mishra, Son of Kashikant Mishra, Resident of Village-Bharri, P.O.-Bharri, P.S.-Kadwa District-Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Advocate
For the Respondent/s : Mr. Vikash Jha, AC to GA- 9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 05-08-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

(i) For the direction upon the



concern respondent authority for discharging their constitutional duty towards scheme "SARV SHIKCHA ABHIYAN" floated by the Central Government under Article 21-A (Right to Education) of the Indian Constitution and further to treat petitioners service on the post of Lok Shikchak at par with the Panchayat Teacher and extended all service benefits to them equally.

(ii) For the direction upon the concern respondent authority to reinstate the petitioner's service with all consequential benefit attached to their respective post and petitioners further pray to count entire period from the date of appointment to till date for all service benefit under provision of law.

(iii) And for any other reliefs/reliefs for which the petitioners are found to be entitled under the provision of law involved in the present case.

3. Learned counsel for the petitioners submits that the grievance, in essence, is that teachers appointed under the *Sarva Shiksha Abhiyan* should be treated as Panchayat Teachers. Counsel further submits that the ground for relief is the order passed in the batch of cases in CWJC No. 14493 of 2008 (*Bihar*



Pradesh Lok Shikshak Sangh & Ors. v. The State of Bihar & Ors.), wherein, vide order dated 21.03.2012, this Court was pleased to direct the petitioners to file a representation before the Principal Secretary, Human Resources Development Department, Bihar. Counsel further submits that in the present writ petition, a counter-affidavit has been filed, and in the said counter-affidavit, Annexure-A has been attached, contained in Memo No. 1018 dated 31.08.2015. It has been stated therein that at present, the eligibility criteria for teachers have been fixed, and training has become one of the necessary conditions for appointment, along with other requirements. It has also been decided that *Lok Shikshaks* cannot be treated as *Panchayat Shikshaks*.

4. In light of the stand taken in Annexure-A, the petitioners seek permission to withdraw the present writ petition with liberty to avail the remedy against the order contained in Memo No. 1018 dated 31.08.2015 before the appropriate forum.

5. In light of the submissions made above, the present writ petition stands disposed off with the aforesaid liberty.

(Dr. Anshuman, J.)

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