

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13960 of 2025

1. Anjnish Chandra Biju S/o Rajanish Chandra Kumar, R/o Village - Dulhin Bzar, P.O. Belhauri, P.S. - Dulhin Bazar, District - Patna.
2. Neetu Kumari, D/o Tej Narayan Singh, R/o Village Dulhin Bzar, P.O. Belhauri, P.S. - Dulhin Bazar, District - Patna.
3. Chandan Kumar, S/o Etwari Prasad, R/o Village Kunjvihar, Ward No 03, P.S. Singhaul, District - Begusarai.
4. Shweta Kumari, D/o Sushil Kumar Mishra, R/o At - Thahar, P.O. - Arout, P.S. Rosera, District - Samastipur.
5. Raju Kumar, S/o Gaya Ram, R/o Village - Dagawar Toli, Ward No 12, P.S. Rosera, District - Samastipur.
6. Mala Kumari, D/o Bhushan Yadav, W/o Bhawesh Chandra Prabhakar, R/o At Tekunamath, P.O. Bharwari, P.S.- Mangalgarh, District - Samastipur.
7. Snehlata Kumari, D/o Shiv Prasad Karn, W/o Pankaj Kumar, R/o Village Kumarpatti, P.O. Bharathi, P.S. Simri, District Darbhanga.
8. Ashok Kumar, S/o Awadhesh Prasad Singh, R/o Village and P.O. - Sonbarsa, Ward No11, P.S. Tariyani, District - Sheohar.
9. Akhilesh Kumar, S/o Ganesh Prasad, R/o Village Imamganj, P.O. Shankarpur, P.S. Imamganj, District - Patna.
10. Parshuram Baitha, S/o Parma Baitha, R/o Village and P.O.- Saunaha, P.S.- Palanawa, District- East Champaran.
11. Chandan Ram, S/o Duryodhan Ram, R/o Village and P.O.- Jokiyari, P.S.- Raxaul, District- Purbi Champaran.
12. Shila Kumari, D/o Bhuneshwar Singh, W/o Anil Kumar, R/o Village- Kansopur, P.O.- Baidrabad, P.S.- Arwal, District- Arwal.
13. Md. Aphtab Alam, S/o Md. Shafik, R/o Village- Simri, P.O.- Sonma, P.S.- Bakhri, District- Begusarai.
14. Abhishek Kumar, S/o Ram Lait Singh, R/o Village - Guni Tola, P.O. - Paipura, P.S. -Paliganj, District - Patna.
15. Lalita Kumari Roy, D/o Yamuna Roy, R/o Village Kasap, P.O. Kasap, P.S. -Udwant Nagar, District - Bhojpur.
16. Akhileshwar Kumar, S/o Rajendra Kazi, R/o Village D.K. Serahwa, P.O. Goithahi, P.S. - Matiyariya, District - West Champaran.
17. Shyam Bihari Yadav, S/o Bishnudeo Yadav, R/o Village- Banua, P.O. and P.S.- Nauhatta, District- Rohtas.
18. Shabnam Praveen, D/o Md. Faiyaz, R/o Village- Barah Patther, Gali No.- 12, P.O.- Dehri-On-Sone, P.S.- Dihri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.



2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Bihar Public Service Commission, Patna through its Secretary.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.,
Mr. Santosh Chandra Bhaskar, Adv.
For the State : A.C to G.P-11
For the B.P.S.C. : Mr. Sanjay Pandey, Adv.,
Mr. Nishant Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the B.P.S.C.

2. The petitioners have prayed for the following
reliefs:-

*“ (I) Issuance of a direction, order
or writ, including writ in the nature of
Certiorari for quashing the order dated
01.07.2025 bearing Memo No. 1837,
(Annexure-P/1), issued by the Director
(Primary Education) Education Department,
Bihar, Patna, (Respondent No. 2) so far it
relates to the petitioners, by which allotment
of districts on the basis of application
submitted by the Head Teachers appointed
on the basis of the recommendation made by
a letter dated 19.11.2024 by the concerned
authorities under the Bihar Public Service
Commission, Patna (hereinafter referred to*



as "the Commission") been have allotted districts purportedly on merit-cum-choice basis, by which in the most illegal and arbitrary manner, even without taking note of the merit position of candidates and also the preferences submitted by them allotment of districts have been effected.

(ii) Further, for issuance of a writ in the nature of Certiorary or any other appropriate writ/order/direction for quashing/setting-aside the order dated 14.07.2025, bearing Memo No - 1934, issued by the Director, Primary Education, Bihar, Patna, so far it relates to the petitioner, by which a list of allotment of schools in the districts allotted vide order dated - 01.07.2025 (Annexure-P/1), has been published at the website of the Department.

(iii) Further, for issuance of a direction, order or writ, including writ in the nature of Mandamus commanding the concern respondent authorities under the Education Department of the State Government to refrain from giving effect to the allotment of districts in respect of the present petitioners as in blatant disregard of the preferences submitted by the petitioners despite having a better merit position than the other candidates, they have been allotted districts contrary to the preferences



submitted by them in furtherance of the order dated 01.07.2025 bearing memo no. 1837 in view of the fact that notwithstanding the better higher position, the preferences submitted by the petitioners have been ignored and the persons below them have been allotted the districts the choice of the present petitioners.

(iv) Further, for issuance of a direction, order or writ including writ in the nature of Mandamus commanding the concern respondent authorities under the Education Department of the State Government to undertake a fresh exercise with respect to allotment of districts in respect of the Head the basis of the Teachers appointment on recommendation as contained in a letter dated -19.11.2024 issued by the Commission pursuant to the process of selection conducted in furtherance of advertisement No. 25/2024 published by the Commission while applying the principle of merit cum-choice in a letter and spirit and accordingly, while taking note of the merit position of the present petitioners and other similarly situated persons appointed against the post of Head Teachers allot them districts on the basis of the preferences submitted by them.

(v) Further, issuance of an ad



interim direction upon the concerned respondent authorities under the Education Department of the State Government to refrain from giving effect to the recommendations and allotment of districts in respect of Head Teachers communicated by the impugned order dated 01.07.2025 bearing Memo No. - 1837 in so far as the same relates to the present petitioners during the pendency of the present writ application.

(vi) Any other relief that the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

3. The counsel for the petitioners submits that they were originally appointed as Head Teachers in Primary School, pursuant to the examination conducted by the Bihar Public Service Commission, under Advertisement No. 25/2024 and their appointments are governed by the Bihar Elementary School Head Teacher Rules, 2024.

4. It is further the case of the petitioners that upon appointment and allocation of Districts, they were called to submit options for being allocated appropriate Blocks within the Districts, as per their choice submitted. It is the case of the petitioners that they have already submitted their choices with



regard to appropriate postings in different Blocks, so that the authorities may process and give appropriate posting. It has next been submitted that the preferences and options were submitted by them on the website of the Commission, as per the instructions issued by the concerned authority, under the Education Department but the State Government despite the commitments shown by the authorities, the merits of the petitioners have not been respected and the same has been compromised and further the less meritorious persons to these petitioners have been given posting, as per their options given, while these petitioners' option have not been considered.

5. In this regard, learned counsel for the petitioners has apprised this Court by bringing on record, Judgment rendered by a Coordinate Bench of this Hon'ble Court vide order dated 30.08.2025, passed in C.W.J.C. No. 11252 of 2025, and accordingly prays that the instant writ petition may also directed to be considered by the authorities in similar terms.

Relevant extracts at paragraphs- 48 & 49 is as follows:-

“48. The learned Advocate General, during the course of argument(s), on the observation made by this Court, aforementioned, has submitted that the State has no difficulty to contemplate such exercise in the best interest of the remaining candidates, who because of non-availability of the



vacancy in the district(s) could not get preferential allocation/posting. 49. In view of the aforesaid, this Court directs the Additional Chief Secretary, Education Department, Government of Bihar, Patna to convene a meeting with the Director, Secondary Education as well as the Director, Primary Education to frame a model for redressal of grievance of allocation of nearby district after inviting objection, preferably within a period of four weeks from the date of receipt/production of a copy of this order.”

6. Similarly, learned counsel for the petitioners submits that this Court has also passed similar orders directing the authorities to undertake such exercises in accordance with law by providing opportunity to all concerned and the final decision so taken be also communicated without any inordinate delay, so that in terms of the decision these petitioners can join to their place of posting without any further delay.

7. On the other hand, learned counsel for the State has no objection and submits that this matter can well be directed to be considered by the authorities in terms of the direction issued in the aforesaid cases, which has been referred by the learned counsel for the petitioners and there is no difficulty in considering their representation, if the same is filed giving all



the details showing their bona fide.

8. Learned counsel for the Bihar Public Service Commission is also present and undertakes that presently he has no role to play.

9. Be that as it may, considering the aforesaid, this Court directs that from the date of submission of such individual representation, giving their details, showing their bona fide with supporting materials, their cases shall be considered giving them opportunity within a period of eight weeks.

10. Accordingly, the instant writ petition is disposed of.

(Ajit Kumar, J)

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