

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.593 of 2022

In

Civil Writ Jurisdiction Case No.10420 of 2022

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1. Subhash Choudhary Son of Late Babu Lal Choudhary Resident of Village and P.O.-Arniya, P.S.-Jandaha, District-Vaishali.
 2. Rabindra Kumar Mishra Son of Sri Braj Bhushan Mishra Resident of Village-Bahasi, P.O.-Kadilpur, P.S.- Jandaha, District-Vaishali.
 3. Parmeshwar Sharma Son of Late Ram Awatar Sharma Resident of Village-Sherpur Manikpur, P.O.-Bhan Borhan, P.S.-Mahua, District-Vaishali.
 4. Ram Bahadur Ray Son of Sri Bhola Ray Resident of Village-Vishnupur, P.O.-Khopi, P.S.-Jandaha, District-Vaishali.
 5. Raj Kumar Paswan Son of Sri Kuldip Hazra, Resident of Village-hariprasad, P.O.-Mutuzapur, P.S.-Jandaha, District-Vaishali.
 6. Mani Bhushan Son of Sri Bindeshwar Das, Resident of Village and P.O.-Jawaj, P.S.-Mahnar, District-Vaishali.
 7. Umesh Kumar Son of Late Ram Lakhan Singh Resident of Village-Dumri Chak, P.O.-Bakhari Supayan, P.S.-Rajapakar, District-Vaishali.
 8. Md. Shahabuddin Son of Abdul Hakim, Resident of Village-Sahpur Toi, P.O.-Paharpur Toi, P.S.-Desari, District-Vaishali.
 9. Upendra Das Son of Sri Akalu Das, Resident of Village and P.O.-Mahisaur, P.S.-Jandaha, District-Vaishali.
 10. Ram Sundar Ram Son of Late Bawan Ram Resident of Village-Sakrauli Buchauli, P.O.-Din Buchauli, P.S.-Jandaha, District-Vaishali
 11. Vijay Kumar Rajak Son of Late Hirday Rajak, Resident of Village-Bishnupur Yasparha, P.O.-Milki Chakwaje, P.s.-Tisiouta, District-Vaishali
 12. Parasnath Thakur Son of Laxman Thakur Resident of Village and P.O.-Chakmahdin, P.S.-Jandaha, District-Vaishali
 13. Rit Lal Sahani Son of Newa sahani Resident of Village-Shekhopur, P.O.-Sahdai Bizurg, P.S.-Desari, District-Vaishali
 14. Arun Kumar Sah Son of Surendra Sah Resident of Village-Chaksahawali, P.O.-Mahipura, P.S.-Jandaha District-Vaishali
 15. Suhail Ahmad Son of Late Mohiuddin Resident of Village and P.O.-Shekhopur, P.S.-Desari, District-Vaishali.
 16. Md. Athar Hussain Son of Akhtar Hussain, Resident of Village and P.O.-Paharpur Toi, P.S.-Desari, District-Vaishali.
 17. Amjad Hussain Son of Anwar Hussain, Resident of Village and P.O.-Paharpur Toi, P.S.-Desari, District-Vaishali.
 18. Mina Devi Daughter of Kishan Singh Resident of Village and P.O.-Kajri Buzurg, P.S.-Jandaha, District-Vaishali.
 19. Maqubool Hassan Son of Md. Hadis, Resident of Village-Math Toi, P.O.-Paharpur Toi, P.S.-Desari, District-Vaishali.
 20. Triveni Prasad Son of Late Mishri Lal Resident of Village and P.O.-Arnia,



P.S.-Jandaha, District-Vaishali

21. Naresh Paswan Son of Bhanu Paswan Resident of Village-Chakwajo Malahi, P.O.-Garahi, P.S.-Jandaha, District-Vaishali.
22. Laxman Ram, Son of Shivnarayan Ram Resident of Village and P.O.-Batandipur, P.S.-Jandaha, District-Vaishali.
23. Rajeev Kumar Singh Son of Ram Ekwel Singh Resident of Village, P.O. and P.S.-Desari, District-Vaishali.
24. Pramod Kumar Thakur Son of Shatrughan Thakur Resident of Village-Panapur Silauthar, P.O.-Kalapahar, P.S.-Jandaha, District-Vaishali.
25. Ramprawesh Ray Son of Ramnarayan Ray Resident of Village -Sherpur, P.O.-Dhandua, P.S.-Jandaha, District-Vaishali.
26. Parduman Chaudhary Son of Late Saryug Chaudhary Resident of Village and P.O.-Loma, P.S.-Tisiauta, District-Vaishali
27. Umesh Prasad Son of Mehi Lal Das, Resident of Village and P.O.-Bitandipur, P.S.-Jandaha, District-Vaishali.
28. Somnath Son of Hari Prasad Das Resident of Village-Rampur Chaklala, P.O. and P.S.-Jandaha, District-Vaishali
29. Ram Pravesh Sinha Son of Ram Uchit Sinha Resident of Village and P.O.-Narharpur, P.S.-Jandaha, District-Vaishali.
30. Subodh Bhushan Prasad Son of Ramchandra Prasad Resident of Village-Chhoti Malawan, P.O.-Bari Malawan, P.S.-Sarmera, District-Nalanda.
31. Shiv Kumar Son of Ramakant Rai Resident of Village-Nainha, P.O.-Nainha, P.S.-Hazipur Sadar, District-Vaishali.
32. Ramanand Ram Son of Late Chhathu Ram Resident of Village and P.O.-Pirapur, P.S.-Jandaha, District-Vaishali.
33. Geeta Kumari Daughter of Late Suraj Baitha Resident of Village and P.O.-Dih Buchauli, P.S.-Jandaha, District-Vaishali.
34. Jaishankar Mehta Son of Jainandan Mehta Resident of Village and P.O.-Khopi, P.S.-jandaha, District-Vaishali
35. Raman Kumar Son of Nirdhan Das Resident of Village-Bishanpuri Gausi P.O.-Bashudeopur Chandel, P.S.-Mahnar, District-Vaishali.
36. Md. Imran Son of Abdul Gaffar Resident of Village-Sherpur, P.O. and P.S.-Vidyapatnagar, District-Samastipur.
37. Ravindra Kumar Thakur Son of Ganesh Thakur Resident of Village and P.O.-Kharika Desari, P.S.-Bidupur, District-Vaishali.
38. Sanjay Kumar Son of Baleshwar Bhagat, Resident of Village Pacchis Kurwa, P.O. and P.S.- Industrial Area, Hazipur, District-Vaishali
39. Babban Das Son of Late Dukhan Das, Resident of Village-Rampur Nausahan, P.O. and P.S.-Industrial Area Hazipur, District-Vaishali.
40. Rajgir Pandit Son of Late Ramdeo Pandit, Resident of Village-P.O.and P.S.-Bidupur, District-Vaishali.
41. Sanjay Kumar Singh Son of Late Thakur Rajendra Singh Resident of Village and P.O.-Kharika, P.S.-Bidupur, District-Vaishali



42. Lal Babu Bhagat Son of Late Ram Khelawan Bhagat, Resident of Village-Bihwarpur, P.O.-Madhurapur, P.S.-Bidupur, District-Vaishali
43. Ganesh Kumar Son of Late Ram Lakhan Singh Resident of Village-Dumari Chak, P.O.-Bakhari Supayan, P.S.-Rajapakar, District-Vaishali
44. Rajdeo Ray son of Late Madhu Sudan Ray Resident of Village-Amer, P.O.-Nawanagar, P.S.-Bidupur, District-Vaishali.
45. Rampravesh Suman Son of Deo Narayan Roy, Resident of Village-Bhikhanpura, P.O.-Bhatauliya, P.S.-Desari, District-Vaishali.
46. Arvind Kumar Alok, Son of Sri Bhogendra Thakur, Resident of Village-Panapur Bateshwar Nath, P.O.-Dhandhua, P.S.-Jandaha, District-Vaishali.
47. Harinath Prasad Sah Son of Late Ramashish Sah Resident of Village-Alipur Sumerganj, P.O.-Salempur Dumaria, P.S.-Goraul, District-Vaishali.
48. Vishwambhar Sah Son of Late Ram Sharan Sah Resident of Village and P.O.-Bhathahi, P.S.-Jandaha, District-Vaishali.
49. Anil Kumar Thakur Son of Late Ishwari Thakur, Resident of Village-Sadapur Mahua, P.O. and P.S. Mahua, District-Vaishali.
50. Sukhendra Das Son of Late Jhapas Das, Resident of Village and P.O.-Rampur Ramhar, P.S.-Jandaha, District-Vaishali.
51. Jawahar Ray Son of Late Chandar Ray Resident of Village-Chakdadan P.O. and P.S.-Mahua, District-Vaishali.
52. Md. Ehsanul Haque Son of Late Md. Suleman, Resident of Village-Mahua Mukundpur, P.O. and P.S.-mahua, District-Vaishali.
53. Arvind Kumar Son of Late Daroga Prasad Rai, Resident of Village and P.O.-Wabhantoli, P.S.-Goraul, District-Vaishali.
54. Sushila Kumari Daughter of Late Mukund Ram Resident of Village- Mahua Singh Rai, P.O. and P.S.-Mahua, District-Vaishali.
55. Jai Mangal Singh Son of Late Devi Lal Singh Resident of Village and P.O.-Vishunpur Bande, P.S.-Bhagwanpur, District-Vaishali.
56. Bindeshwar Ram Son of Sri Srawan Ram Resident of Village and P.O.-Vishunpur Bande, P.S.-Bhagwanpur, District-Vaishali.
57. Dileep Kumar Son of Late Bhageran Ram Resident of Village -Mahua Singh Rai, P.O. and P.S.-Mahua, District-Vaishali.
58. Lali Wife of Sri Harendra Ram Resident of Village and P.O.-Garjaul, P.S.-Mahua, District-Vaishali.
59. Ranjit Kumar Son of Late Mauje Lal Sah Resident of Village-Mahua Singh Rai, P.O. and P.S.-Mahua, District-Vaishali.
60. Ajit Kumar Son of Late Balendra Singh Resident of Village and P.O.-Mirjanagar, P.S.-Mahua, District-Vaishali
61. Hare Krishna Singh Son of Late Deep Narayan Singh Resident of Village and P.O.-Jahangeerpur Salkhanni, P.S.-Mahua, District-Vaishali.
62. Harendra Ram Son of Late Mukhlal Ram Resident of Village and P.O.-Hasanpur Bhadwas, P.S.-Mahua, District-Vaishali.
63. Raghwendra Kumar Son of Late Vasudeo Narayan Singh Resident of Village



and P.O.-Mansoorpur Halaiya, P.S.-Goraul, District-Vaishali.

64. Ramprit Ram Son of Late Ganpat Ram Resident of Village-Chakdadan P.O. and P.S.-Mahua, District-Vaishali.
65. Vinod Kumar Son of Prabhu Dayal Singh Resident of Village-Kushahar, P.O.-Madhopur Nijhama, P.S.-Mahua, District-Vaishali.
66. Hari Shankar Ram Son of Late Raudi Ram Resident of Village-Gobindpur, P.O.-Singhara, P.S.-Mahua, District-Vaishali
67. Manju Kumari Wife of Sri Draveshwar Ram Resident of Village-Gorigama, P.O. and P.S.-Mahua, District-Vaishali
68. Ram Ekbal Singh Son of Late Ram Vilash Singh Resident of Village-Narsinghpur Bangahi, P.O.-Nilkanthpur, P.S.-Mahua, District-Vaishali.
69. Alok Kumar Son of Late Rameshwar Bhakt, Resident of Village-Hariharpur, P.O.-Rajauli, P.S.-Hajipur Sadar, District-Vaishali.
70. Raj Nath Chaudhary Son of Late Ram Pratap Chaudhary Resident of Village-Rusulpur Osti, P.O. and P.S.-Mahua, District-Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal secretary, Finance Department, Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Bihar, Patna.
4. The Additional Secreary, Finance Department, Bihar, Patna.
5. The Under Secretary, Finance Department, Bihar, Patna.
6. The Secretary (Expenditure), Finance Department, Bihar, Patna.
7. The Director (Primary Education), Bihar, Patna.
8. The District Education Officer, Vaishali at Hazipur
9. The District Programme Officer (Establishment), Vaishali, Hazipur.
10. The Accountant General, Bihar, Patna.
11. Ram Kishore Prasad Sinha Son of Late Vindeshwari Prasad Sinha Resident of Village-Jawaj, P.O.-Narayanpur Dedhpura, P.S.-Mahnar, District-Vaishali.
12. Ganesh Prasad Bhaskar Son of Late Ram Shobhit Singh Resident of Village and P.O.-Harpur Belwa, P.S.-Mahua, District-Vaishali.

... .. Respondent/s

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with

Letters Patent Appeal No. 624 of 2022

In

Civil Writ Jurisdiction Case No.2783 of 2021

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1. Chandrakant Son of Umashankar Prasad Singh Resident of P.O. and P.S.-Safapur, District-Begusarai, Pin Code-851129.



2. Devendra Kumar Srivastava, Son of Nawal Kishore Sharan Resident of Village- Sadhugachhi, P.O.-Shekhpura, P.S. Akharaghat, District- Muzaffarpur, Pin Code-842002.
3. Sanjay Tiwari, Son of Ramanand Tiwari Resident of Kanhauli Bishundatt, P.O.-R K. Asharam Bela, P.S. and District- Muzaffarpur, Pin Code-843116.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. Principal Secretary, Finance Department, Bihar, Patna.
3. Secretary (Expenditure) Finance Department, Bihar, Patna.
4. Director, Primary Education, Bihar, Patna.

... .. Respondent/s

with
Letters Patent Appeal No. 691 of 2022
In
Civil Writ Jurisdiction Case No.16301 of 2021

1. Satish Narayan Mishra Son of Tulsi Dutt Mishra, Resident of Village and P.O.- Kunda, P.S. and District- Aurangabad, Presently working as an Assistant Teacher in Primary School Gurgaiya, Block-Deo, District- Aurangabad.
2. Ajay Kumar Singh, Son of Baidyanath Prasad Singh, Resident of New Area, Gyanpuri Road No. 1, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Middle School Bijauli, Block-Deo, District- Aurangabad.
3. Nawal Kishore Singh, Son of Sri Ram Chandra Singh, Resident of Village and P.O.-Chauriya, P.S. and District-Aurangabad, presently working as an Assistant Teacher in Middle School Sunderganj, Block-Barun, District- Aurangabad.
4. Pramod Kumar Singh, Son of Baijnath Singh, Resident of Village-Goseya, P.O.-Dosma, P.S.-Phesar, District-Aurangabad, presently working as an Assistant Teacher in Primary School Dharampur, Block-Deo, District- Aurangabad.
5. Baliram Mishra, Son of Mithileesh Kumar Mishra, Resident of New Area, Gyanpuri-4, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Primary School Balakarma, Block-Deo, District- Aurangabad.
6. Sohail Ahmad, Son of Anisur Rahman, Resident of Islam Toli, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Middle School Yadupur, Block-Deo, District-Aurangabad.
7. Md. Intekhab Alam, Son of Md. Abdul Barkat Ansari, Resident of Village- Hajinagar, P.O. and P.S.-Deo, District-Aurangabad, presently working as an Assistant Teacher in Urdu Middle School Bandhu Bigha, Block-Deo,



- District-Aurangabad. (Now Urdu Middle School, Pathan Toli, Block and District- Aurangabad).
8. Md. Kalim Ahmad, Son of Md. Abdul Halim, Resident of Paithan Toli, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Upgraded Middle School Bala Pokhar, Block-Deo, District-Aurangabad.
 9. Md. Nasim Ahmad, Son of Likman, Resident of Shahi Road, Madanpur, P.O. and P.S. Madanpur, District-Aurangabad, Presently working as an Assistant Teacher in Upgraded Middle School, Bala Pokhar, Block-Deo, District-Aurangabad.
 10. Nishi Kumari Gupta, Wife of Sri Bajrangi Prasad, Resident of Ward No. 23, Mohalla-Shahganj, Aurangabad, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Upgraded Middle School Raghunandan Bigha, Block-Deo, District-Aurangabad.
 11. Dewanti Kumari, Wife of Sri Karmdeo Mahto, Resident of Village and P.O.- Khakhra, P.S.-Kunda, District-Aurangabad, presently working as an Assistant Teacher in Upgraded Middle School, Hasauli, Block and District-Aurangabad.
 12. Arvind Kumar Singh, Son of Sri Jai Kumar Singh, Resident of Village-Chandauli, P.O.-Simra, P.S.-Kasma, District-Aurangabad, presently working as an Assistant Teacher in Middle School Pararia, Block-Deo, District-Aurangabad.
 13. Shadan Arshi Shamsi, Daughter of Md. Bahauddin Shamsi, Resident of Village and P.O.- Bharthouli, P.S.- Bharthuli, District- Aurangabad, presently working as an Assistant Teacher in Upgraded Middle School Bajitpur, Block and District- Aurangabad.
 14. Mahendra Das, Son of Dev Lal Das, Resident of Village-Keshopur, P.O.- Sonenagar, P.S.-Barun, District-Aurangabad, presently working as an Assistant Teacher in Middle School Kanchanpur, Block-Deo, District-Aurangabad.
 15. Dhananjay Kumar Singh, Son of Sri Bhagwat Singh, Resident of Village-Bardih, P.O.-Khiriawan, P.S.-Salaiya, District-Aurangabad, presently working as an Assistant Teacher in Upgraded Middle School Deodhari, Block-Deo, District-Aurangabad.
 16. Sharda Singh, Wife of Sri Pramod Kumar Singh, Resident of Jai Maa Colony, Shivjee Path, New Area, Aurangabad, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Anugrah Middle School, Aurangabad, Block and District-Aurangabad.
 17. Pushpa Kumari, Wife of Sri Ashok Kumar Singh, Resident of Gyanpuri, New Area, Road No. 1, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Nadighati Colony Middle School, Aurangabad, Block and District-Aurangabad.
 18. Manorma Kumari Gupta, Wife of Shreeram Prasad, Resident of S.S. College, Anugrah Nagar, Aurangabad, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Middle School, Nadi Ghati Colony, Aurangabad, Block and District-Aurangabad.
 19. Awanish Kumar, Son of Sri Balmukund Mishra, Resident of Village-Vishnupur Karma Bhagwan, P.O.-Karma Bhagwan, P.S. and District-



Aurangabad, Presently working as an Assistant Teacher in Middle School, Bharthauli, Block and District-Aurangabad.

20. Md. Alim Ansari, Son of Abdur Rahim Ansari, Resident of Ishlam Toli, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Urdu Primary School Ishlam Toli, Block and District-Aurangabad.
21. Sabhia Shahin, Wife of Md. Alim Ansari, Resident of Ishlam Toli, Chauk, P.O., P.S. and District-Aurangabad, presently working as an Assistant Teacher in Urdu Primary School Kasai Toli, Block and District-Aurangabad.
22. Sudesh Kumar Singh, Son of Late Sharawan Singh, Resident of Village and P.O.-Sonbarsha, P.S.-Obra, District-Aurangabad, Presently working as an Assistant Teacher in Middle School, Hasauli, Block and District-Aurangabad.
23. Md. Akhtar, Son of Md. Mohiuddin, Resident of Village and P.O.-Nawadih, P.S. and District-Aurangabad, presently working as an Assistant Teacher in Upgraded Middle School Unthu, Block and District-Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, New Secretariat, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, New Secretariat, Patna.
4. The Director Primary Education, Government of Bihar, New Secretariat, Patna.
5. The District Education Officer, Aurangabad.
6. The District Programme Officer (Establishment), Aurangabad.
7. Md. Yunus Ansari Son of Md. Rustam Ali, Resident of Village- Berhna, P.O.- Malhara, P.S.- Dhibra Malhara, District- Aurangabad, Presently working as an Assistant Teacher in Upgraded Middle School Bajitpur, Block and District- Aurangabad.
8. Surendra Ram Son of Sri Saryu Ram, Resident of Village and P.O.- Ketaki, P.S. and District Aurangabad, Presently working as an Assistant Teacher in Middle School Bhatkur, Block- Deo, District- Aurangabad.

... .. Respondent/s

with

Letters Patent Appeal No. 702 of 2022
In
Civil Writ Jurisdiction Case No.17719 of 2021

Krishna Mishra wife of Rabindra Nath Mishra, Resident of Bela, P.O. Aurangabad, P.S. Aurangabad Mufassil, District Aurangabad.

... .. Appellant/s



Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government Bihar, New Secretariat, Patna.
5. The Regional Deputy Director of Education, Magadh Division, Gaya.
6. The District Education Officer, Aurangabad (Bihar)
7. The District Program Officer, Aurangabad (Bihar)

... .. Respondent/s

with

Letters Patent Appeal No. 722 of 2022
In
Civil Writ Jurisdiction Case No.9372 of 2022

1. Rabindra Singh Son of Late Ganesh Singh Resident of Village and P.O. Basdila, P.S.- Jalalpur, District- Saran.
2. Surendra Prasad Singh, Son of Late Rameshwar Singh Resident of Village and P.O. Basdila, P.S.- Jalalpur, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Government of Bihar, Patna.
4. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
5. The Director, Primary Education, Education Department of Bihar, Patna.
6. The District Education Officer, Saran at Chapra, District- Saran at Chapra.
7. The District Programme Officer, (Establishment), Saran at Chapra, District- Saran at Chapra.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

with

Letters Patent Appeal No. 727 of 2022
In
Civil Writ Jurisdiction Case No.16326 of 2021



1. Pramod Kumar Singh Son of Late Yamuna Prasad Singh, at Present posted as Head Master in Government Middle School, Khadiha, Block- Deo, P.S. and District- Aurangabad (Bihar)
2. Ajeet Kumar Singh Son of Baijnath Prasad Singh, at Present posted as Head Master in Government Middle School, Pawai, Block- Deo, P.S. and District- Aurangabad (Bihar)
3. Ravi Kumar Singh Son of Nirmal Kumar Singh, at Present posted as Head Master in Government Middle School, Belsara, Block and P.S.- Deo, District- Aurangabad (Bihar)
4. Ajay Kumar Pathak Son of Dudheshwar Pathak, at Present posted as Head Master in Government Middle School, Yadupur, P.S. and Block- Deo, District- Aurangabad (Bihar)
5. Kapilmuni Prasad Son of Bindeshwari Ram, at present posted as Headmaster in Government Middle School, Simra, Block- Kutumba, P.S.- Simra, District- Aurangabad (Bihar)
6. Arbind Sharma Son of Ram Swarup Singh, at present posted as Headmaster in Middle School, Jankop, Block and P.S.- Barun, District- Aurangabad (Bihar)
7. Sanjeev Kumar Singh Son of Janeshwar Singh, at present posted as Headmaster in Government Middle School, Khakhra (Deo), P.S. and District- Aurangabad (Bihar)
8. Rakesh Kumar Sinha Son of Iswari Prasad Sinha, at present posted as Headmaster in Government Middle School, Ordih, Block and P.S.- Kutumba, District- Aurangabad (Bihar)
9. Onkar Chandra Son of Saryoo Mahto, at present posted as Headmaster in Government Middle School, Piraunta, P.S.- Jamhore, District- Aurangabad (Bihar)
10. Sunil Kumar Son of Raghu Prajapati, presently posted as Headmaster in Government Middle School, Khudwan, P.S.- Khudwan, Block- Obra, District- Aurangabad (Bihar)
11. Sujeet Kumar Singh Son of Baijnath Prasad Singh, at present posted as Headmaster in Government Middle School, Saheya, P.S., Block and District- Aurangabad (Bihar)
12. Binod Kumar Son of Janki Sharan Singh, presently posted as Headmaster in Government Middle School, Jagdishpur, P.S.- Jamhore, District- Aurangabad (Bihar)
13. Jawed Alam Son of Shamsul Hoda, at present posted as Headmaster in Government Middle School, Ramabandh, Deo, P.S. and District- Aurangabad (Bihar)
14. Md. Zahid Hasan Son of Md. Salim, at present posted as Headmaster in Government Middle School, Bishnupur, Block and P.S.- Deo, District- Aurangabad (Bihar)
15. Sunil Kumar Son of Kamla Kant Singh, at present posted as Headmaster in Government Middle School, Susnar, Block P.S. and District- Aurangabad (Bihar)
16. Md. Quddoos Son of Md. Saddique, at present posted as Headmaster in



- Government Urdu Middle School, Khushdihra, P.S.- Jamhore, District- Aurangabad (Bihar)
17. Fakhrul Hassan Son of Md. Sayeed Ansari, at present posted as Headmaster in Government Urdu Middle School, Simra, Aurangabad, P.S.- Phesar, District- Aurangabad (Bihar)
 18. Shahjahan Son of Qutubuddin, at present posted as Headmaster in Government Urdu Middle School, Dhandhawa, Aurangabad, P.S. and District- Aurangabad (Bihar)
 19. Gauri Shankar Singh Son of Santoshi Singh, at present posted as Headmaster in Government Middle School, Yugal Madhya Vidyalaya, Aurangabad, Block, P.S. and District- Aurangabad (Bihar)
 20. Sudama Singh Son of Dukhan Singh, at present posted as Headmaster in Government Middle School, Sori (Nabinagar), P.S.- Mali, District- Aurangabad (Bihar)
 21. Sanjay Kumar Son of Jagdish Prasad, at present posted as Headmaster in Government Middle School, Karma Bhagwan, Block, P.S. and District- Aurangabad (Bihar)
 22. Murad Ahmad Son of Maqbool Ahmad, at present posted as Headmaster in Government Middle School, Middle School, Rampur, Aurangabad, P.S. and District- Aurangabad (Bihar)
 23. Tauhid Ahmad Son of Maqbool Ahmad, at present posted as Headmaster in Government Middle School, Batwan, P.S.- Jamhor, Block and District- Aurangabad (Bihar)
 24. Abdul Rahim Ansari Son of Allahrakhoo Miyan, at present posted as Headmaster in Government Middle School, Tetariya, P.S. and District- Aurangabad (Bihar)
 25. Md. Amin Ahmad Son of Md. Badruddin Ansari, at present posted as Headmaster in Government Middle School, Sohraiya, P.S.- Phesar, District- Aurangabad (Bihar)
 26. Md. Bashiruddin Ansari Son of Md. Rafique, at present posted as Headmaster in Government Urdu Middle School, Shailopur (Balak), (Rafiganj), P.S.- Rafiganj, District- Aurangabad (Bihar)
 27. MD. Jalil Ahmad Son of Abdul Razzaque, at present posted as Headmaster in Urdu Middle School, Biseni, Aurangabad, P.S. and District- Aurangabad (Bihar)
 28. Israr Ahmad Son of Abdul Sattar, at present posted as Headmaster in Government Middle School, Bhaghoi Khurd (Aurangabad), P.S.- Phesar, District- Aurangabad (Bihar)
 29. Jawed Anwar Son of Abdul Sattar, at present posted as Headmaster in Government Middle School, Chitragopi (Aurangabad), P.S.- Jamhore, District- Aurangabad (Bihar)
 30. Umesh Kumar Singh Son of Rajendra Prasad Singh, at present posted as Headmaster in Government Middle School, Poiwan, Aurangabad, P.S. and District- Aurangabad (Bihar)
 31. Jitendra Kumar Son of Jhalakdeo Singh, at present posted as Headmaster in Government Urdu Middle School, Amjhar Sharif, Haspura, P.S.- Haspura,



District- Aurangabad (Bihar)

32. Mithilesh Kumar Son of Jhalakdeo Singh, at present posted as Headmaster in Government Middle School, Dhusari, Haspura, P.S.- Haspura, District- Aurangabad (Bihar)
33. Shivdhani Ram Son of Jagdish Ram, at present posted as Headmaster in Government Middle School, Ghatrain Madanpur, Block- Madanpur, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure) Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Department of Education, Government of Bihar, New Secretariat, Bailey Road, Patna.
5. The Regional Deputy Director, Magadh Division, Gaya
6. The District Education Officer, Aurangabad (Bihar)
7. The District Programme Officer, (Establishment), Aurangabad.
8. Nizamuddin Miyan Son of Janab Abdul Washir Ahmad, at present posted as Head Master in Government Middle School, Kasma Rafiganj, P.S.- Kasma, District- Aurangabad (Bihar).

... .. Respondent/s

with

Letters Patent Appeal No. 458 of 2023
In
Civil Writ Jurisdiction Case No.210 of 2023

1. Madheshwar Ram Son of Buchul Ram Resident of Village-Masaurha, PO- Paliganj, PS-Paliganj, District-Patna, Bihar.
2. Shashi Bhushan Prasad Singh Son of Late Rampravesh Singh Resident of 49, Danara, Katri, P.O. and P.S.- Danara, Patna- 801104
3. Awdhesh Kumar Mandal Son of Hiralal Paswan Resident of Village- Sarwan, Bhadsahra, PO- Gorakhari, Patna- 801104
4. Neelam Kumari D/o Shri Ayodhya Sharma Resident of Village Bikram Khoraiha, Khruaiha, Patna, P.O. and P.S.- Bikram, Patna.
5. Ajay Kumar Verma Son of Dwarika Prasad Resident of Khoraiha, Khruaiha, Patna, PO and PS- Bikram, Patna.
6. Sunil Kumar Son of Bhrat Mochi Resident of Village Sarwan, Bhadsahra, PO- Gorakhari, Patna- 801104
7. Prabhavati Kumari D/o-Ramkrit Ram Resident of Sarwan, Bhadsahra, PO- Gorakhari, Bikram, Patna- 801104



8. Sudarshan Paswan Son of Titaie Pashwan Resident of Gorakhari, PS- Gorakhari, Patna- 801104
9. Sunil Prasad Son of Chandeshwar Prasad Village- Karsa, PO and PS- Bikram, Patna- 801104, Bihar.
10. Krishnkant Son of Srikant Pathak Resident of Village- Dariapur, PS- Naubatpur, PO- Arap, Naubatpur, Patna.
11. Rajesh Kumar Sinha Son of Ayodhya Prasad Resident of Roop Nikhar Sringar, Sri Ram Path, Bajranjpuri, PO and PS- Gulzarbagh, Patna.
12. Akhileshwar Prasad Son of Ramlakhan Bhagat, Resident of Beldari Chak, PO and PS- Sampatchak, Patna.
13. Subodh Bihari Sinha Son of Ram Lal Sinha Resident of Village- Rasapur, PO- Gagai, PS- Ekarsharari, District- Nalanda.
14. Shyamnandan Prasad Son of Jagnarayan Ram Resident of Village- Karsa, PO and PS- Bikram, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Bihar Patna.
3. The Secretary (Expenditure) Finance Department, Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer (Estab.), Patna, Bihar.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 593 of 2022)

For the Appellant/s	:	Mr.Yogendra Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
		Mrs. Karishma Aware, Advocate
		Mrs. Asmita Bharti, Advocate
For the State	:	Smt. Shilpa Singh (GA12)
		Mr. Ram Vinay Prasad Singh, AC to GA-12

(In Letters Patent Appeal No. 624 of 2022)

For the Appellant/s	:	Mr.Abhinav Srivastava, Sr. Advocate
For the Respondent/s	:	Smt. Shilpa Singh (GA12)
		Mr. Ram Vinay Prasad Singh, AC to GA-12

(In Letters Patent Appeal No. 691 of 2022)

For the Appellant/s	:	Mr. Uma Kant Mishra, Advocate
		Mr.Satish Chandra Mishra, Advocate
For the Respondent/s	:	Smt. Shilpa Singh (GA12)
		Mr. Ram Vinay Prasad Singh, AC to GA-12

(In Letters Patent Appeal No. 702 of 2022)

For the Appellant/s	:	Mr. Uma Kant Mishra, Advocate
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For the Respondent/s : Mr.Umesh Pathak, Advocate
Smt. Shilpa Singh (GA12)
Mr. Ram Vinay Prasad Singh, AC to GA-12

(In Letters Patent Appeal No. 722 of 2022)

For the Appellant/s : Mr.Sanjay Kumar
For the Respondent/s : Smt. Shilpa Singh (GA12)
Mr. Ram Vinay Prasad Singh, AC to GA-12

(In Letters Patent Appeal No. 727 of 2022)

For the Appellant/s : Mr.Uma Kant Mishra, Advocate
Mr. Satish Chandra Mishra, Advocate
Mr. Sibya Suman, Advocate
For the Respondent/s : Smt. Shilpa Singh (GA12)
Mr. Ram Vinay Prasad Singh, AC to GA-12

(In Letters Patent Appeal No. 458 of 2023)

For the Appellant/s : Mr.Binod Kumar, Advocate
For the Respondent/s : Mr.Sarvesh Kr. Singh (AAG13)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-06-2025

In these bunch of LPAs, appellants have assailed the order of the learned Single Judge dated 23.09.2022.

2. The appellants were stated to be working as Headmasters/Assistant Teachers etc. They have been extended the benefit of revised pay w.e.f., from 01.01.2006 in terms of Schedule-2 to the resolution dated 21.01.2010 read with 07.12.2018 resolution/decision. The benefit of revised pay was extended on 22.02.2019. Thereafter, the official respondents have realized that they have committed certain error insofar as extending the benefit of revised pay w.e.f 01.01.2006 read with the resolution dated 21.01.2010 and 07.12.2018. In the guise of



rectifying the resolution dated 21.01.2010 read with 07.12.2018 and its extension vide decision dated 22.02.2019 and its extension on 10.11.2020, the respondents have issued a clarificatory order or in effect revised pay resolution, which has been extended to the appellants, were not in order to that effect communication has been made on 10.11.2020.

3. *Prima facie* by virtue of impugned decision dated 10.11.2020, rights of the appellants have been affected and it has civil consequence. It is undisputed that the appellants have not been heard in the matter before taking adverse decision. On this sole ground, the learned Single Judge should have set aside and remanded the matter to the concerned authority to proceed in accordance with law after providing ample opportunity of hearing/written explanation from such of those employees like the appellants. To that extent, the learned Single Judge has committed error and on this short ground, the appellants have made out a case so as to interfere with the impugned decision of the learned Single Judge dated 23.09.2022 as well as the decision of the respondents dated 10.11.2020, and they are set aside.

4. The respondents are at liberty to initiate further proceedings in accordance with law. They are hereby requested



to peruse the Hon'ble Supreme Court decision insofar as providing ample opportunity of hearing wherever the civil consequence would arise vide decision in the case of ***Vipulbhai Mansingh Bhai Chaudhary vs. State of Gujarat*** reported in ***(2017) 13 SCC 51***. Recently, Hon'ble Supreme Court in the case of ***Central Organisation for Railway Electrification Vs ECI SPIC SMO MCML (JV) A Joint Venture Company*** reported in ***2024 SCC OnLine SC 3219***, in para 76 to 78 has elaborately considered the issue relating to principle of *natural justice*. Paras 76 to 78 read as under:-

“76. The principles of natural justice principally consist of two rules : (i) no one shall be a judge in their own cause (*nemo iudex in causa sua*); and (ii) no decision shall be given against a party without affording a reasonable opportunity of being heard. [*Express Newspaper (P) Ltd. v. Union of India*, 1958 SCC OnLine SC 23, para 95; *A.K. Kraipak v. Union of India*, (1969) 2 SCC 262, para 20; *Mohinder Singh Gill v. Chief Election Commr.*, (1978) 1 SCC 405, para 52; *Swadeshi Cotton Mills v. Union of India*, (1981) 1 SCC 664 : (1981) 51 Comp Cas 210, para 27] Adherence to the principles of natural justice is a facet of procedural fairness. A decision made by the State to the prejudice of a person must be after following the basic rules of justice and fair play. [*State of Orissa v. Binapani Dei*, 1967 SCC OnLine SC 15, para 9] The principles of natural justice are applied because administrative or quasi-judicial proceedings can abridge or take away rights. [*Union of India v. K.P. Joseph*, (1973) 1 SCC 194, para 10 : 1973 SCC (L&S) 133] Application of the principles of natural justice prevents miscarriage of justice.



[*A.K. Kraipak v. Union of India*, (1969) 2 SCC 262, para 20] Natural justice has both an intrinsic and an instrumental function. The intrinsic function values natural justice as an end in itself. It values natural justice as an essential feature of fairness. In its instrumental element, natural justice is viewed as a means to achieving just outcomes.

77. The principle of *nemo judex* is based on the precept that justice should not only be done but manifestly and undoubtedly be seen to be done. [*R. v. Sussex Justices, ex p McCarthy*, (1924) 1 KB 256] The principle of *nemo judex* applies to judicial, quasi-judicial, and administrative proceedings. [*J. Mohapatra & Co. v. State of Orissa*, (1984) 4 SCC 103, para 9] An adjudicator should be disinterested and unbiased. [*A.K. Roy v. Union of India*, (1982) 1 SCC 271, para 97 : 1982 SCC (Cri) 152] A bias is a predisposition to decide for or against one party, without proper regard to the true merits of the dispute. [*State of T.N. v. Munuswamy Mudaliar*, 1988 Supp SCC 651, para 12].

78. Article 14 of the Constitution provides that the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India. Article 14 is founded on a sound public policy to secure to all persons, citizens or non-citizens, the equality of status and opportunity. [*Bhakeshar Nath v. CIT*, (1959) 35 ITR 190 : 1958 SCC OnLine SC 7; *Special Courts Bill, 1978, In re*, (1979) 1 SCC 380, p. 424, para 72. “72. ... (1) The first part of Article 14, which was adopted from the Irish Constitution, is a declaration of equality of the civil rights of all persons within the territories of India. It enshrines a basic principle of republicanism. The second part, which is a corollary of the first and is based on the last clause of the first section of the Fourteenth Amendment of the American Constitution, enjoins that equal protection shall be secured to all such persons in the enjoyment of their rights



and liberties without discrimination of favouritism. It is a pledge of the protection of equal laws, that is, laws that operate alike on all persons under like circumstances.”] One of the dimensions of the equality jurisprudence evolved by this Court is that arbitrariness is antithetical to equality. [*State of A.P. v. Nalla Raja Reddy*, 1967 SCC OnLine SC 85, para 24] State action must be based on principles of fairness and equality of treatment. [*E.P. Royappa v. State of T.N.*, (1974) 4 SCC 3, para 85 : 1974 SCC (L&S) 165] Article 14 strikes at arbitrary actions and ensures fairness and equality of treatment. [*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, para 7] Violation of the principles of natural justice results in arbitrariness. [*Satyavir Singh v. Union of India*, (1985) 4 SCC 252, para 6(26) : 1986 SCC (L&S) 1] The principle of reasonableness is an essential element of equality. [*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, para 7] Resultantly, a procedure contemplated under Article 21 must be just, fair, and non-arbitrary. This Court has recognised that the concept of reasonableness and non-arbitrariness pervades the entire constitutional scheme. [*Ajay Hasia v. Khalid Mujib Sehravardi*, (1981) 1 SCC 722, para 16 : 1981 SCC (L&S) 258].

Further, they have to take note of the judicial pronouncements insofar as any recovery or excess payment also. The above exercise shall be completed within a period of six months. It is made clear that if the official respondents decision is adverse in nature, in such an event, such of those employees shall be provided ample opportunity of oral hearing/written submission, if any. The above exercise shall be completed and the concerned authority shall proceed to pass a



detailed speaking order after due consideration of each of the employees version within a period of six months from the date of receipt of this order.

5. If any recovery has been effected by virtue of impugned decision of the State Government dated 10.11.2020 read with the learned Single Judge order, in that event, the concerned authority is hereby directed to refund the same within a period of four months from the date of receipt of this order.

6. Personal appearance of Mr. Brajesh, Joint Commissioner, Finance and Mr. Sanjay Kumar Chaudhary, Deputy Director, Education, stands dispensed with.

7. All these LPAs stands allowed.

8. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2025
Transmission Date	NA

