

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19093 of 2025

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1. Shiv Pujan Rai Son of Gulab Rai, Resident of Village- Raja Pakar, Police Station- Raja Pakar, District- Vaishali.
 2. Chandra Deo Rai, Son of Late Fudani Rai, Resident of Village- Salempur, Nandlalpur, Police Station- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.
For the State : Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-11-2025 Heard learned counsel for the petitioners and

learned counsel for the State.

2. The instant writ petition has been filed for the

following reliefs:-

“1. (i) That this writ petition is
being filed on behalf of the petitioners for
issuance of an appropriate order/orders
direction/directions in the nature of
mandamus directing and commanding to the
respondents to pay arrears of salary and
pensionary benefits along with all



consequential benefits from the date of initial appointment with statutory interest to the petitioners for the ends of justice.

(II) And further be pleased to grant other relief/reliefs as the petitioners are entitled for.”

3. Learned counsel for the petitioners submits that the petitioners were appointed as an Assistant Teacher and they were one amongst the 34,540 candidates, whose selection were approved by the Hon’ble Supreme Court. The entire merit list was scrutinized by a Committee constituted under the Chairmanship of Hon’ble Justice S.K. Chattopadhyay (Retd.), which was duly accepted by the Apex Court. In compliance thereof, the State Government appointed candidates strictly from the said approved list. The petitioners were accordingly appointed vide Letter No. 64, dated 18.01.2012 and Letter No. 124, dated 15.02.2012, issued by the District Education Officer, Vaishali.

4. It is further submitted that, in a very arbitrary manner, the appointment of petitioner nos. 1 and 2 was cancelled vide Memo No. 1314 Hajipur, dated 28.02.2013 and Memo No. 1322 Hajipur, dated 28.02.2013 respectively despite specific orders and directions of the Hon’ble Apex Court dated



18.07.2013 in SLP (Civil) No.26824/2012, which unambiguously directs protection for persons appointed from the approved list as against the vacancies of 34,540. It is further submitted that under the pretext of verification, the petitioners services were terminated holding that they obtained their degree from an unauthorized institution.

5. It has next been submitted that termination order issued in respect of the petitioners were challenged before this Hon'ble Court vide CWJC No. 6753 of 2013. The said writ petition was allowed vide judgment dated 14.01.2016.

6. Learned counsel for the petitioners submits that orders passed by Hon'ble Coordinate Bench and Hon'ble Division Bench of this Court in similarly situated cases, the respondents have been directed to make payment of salary to teachers who remained out of service. However, for unexplained reasons, similar treatment has not been extended to the petitioners despite references having been made of those judgments in his representations. The termination and denial of salary to the petitioners, while others have received benefits, is arbitrary and contemptuous in nature, based on pick and choose treatment without valid reason. The principle of "no work, no pay" cannot apply here because it is their own action which kept



these petitioners out of service and further no such consideration has been made in case of other similarly situated persons, as they have have been paid salary despite non-working periods, in compliance with the Hon'ble Division Bench's orders.

7. At this stage, learned counsel for the petitioners submits that this Court has also passed orders in Dinesh Kumar Singh vs. State of Bihar & Others vide order dated 02.09.2025 in CWJC No.14158 of 2025, directing payment of salary for the period, the petitioner remained out of service.

8. On the other hand, learned counsel for the State submits that the petitioners case may be directed to be considered afresh by the competent authority in light of the judgment passed in LPA No. 1254/2016 and other analogous matters, particularly taking into account the documents annexed as Annexure P/5, wherein benefits have already been extended to similarly situated persons.

9. Considering the submissions, this application is disposed of with a direction to the respondents to extend similar treatment to the petitioners. If it is found that the petitioners were appointed on the basis of the recommendation of the One-Man Committee headed by Justice S.K. Chattopadhyay (Rtd.) and their case is covered under the order of the Hon'ble Apex



Court in SLP (Civil) No.26824/2012 dated 18.07.2013, then all consequential benefits, including salary for the period having remained out of service, shall be paid to them within a period of six weeks from the date of production or receipt of a copy of this order.

(Ajit Kumar, J)

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