

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.485 of 2025

-
1. Ahmad Raza Ansari Son of Md. Jainuddin Ansari, R/o Bardaha Bazar, Ward no. 07, P.O. and P.S. Bardaha, District Araria 854333.
 2. Md. Sarwar Alam, Son of Md. Yunus, R/o Ward no. 06, Koshikipur, Basantpur, P.S. Araria, District Araria 854311.
 3. Ajaz Ahmad, Son of Samiruddin, R/o Perwakhuri, Shyampur, Panchayat Pechaili, Ward no. 11, P.O. Seyampur Balua Deorhi, P.S. Palasi, District-Araria 854311.
 4. Md. Shabbir Alam, Son of Md. Hashim, R/o P.T. Dumariya, Ward no. 06, Parshadpur, P.S. Jokihat, District - Araria 854325.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Araria.
4. The District Programme Officer, Establishment, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat
For the Respondent/s : Mr. Standing Counsel (26)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-07-2025 Heard learned counsel for the petitioners and
learned AC to SC-26.

2. Learned counsel for the petitioners submits that the instant writ application has been filed for a direction upon the respondent authorities to pay the salary of the petitioner for the period of 14.05.2012 to 13.03.2017. It is submitted that the services of the petitioners were terminated by an order dated 14.05.2012 and subsequently, they were reinstated in service by



an order dated 09.03.2017. It is submitted that similarly situated other teachers in the District of Siwan have been paid the salary for the aforesaid period vide memo no.443 dated 09.02.2024 but then the case was of the petitioners till date has not been considered. It is also submitted that Hon'ble Supreme Court in the case of *Deepali Gundu Surwase vs. Kranti Junior Adhyapak & Ors* reported in *2013 (10) SCC 324* (Annexure-P.6) has also held to the same effect that if a person is terminated and subsequently, he is reinstated, in that event, the employee is entitled for the salary for the aforesaid period i.e. from the date of termination till date of the reinstatement. It is next submitted that petitioners were appointed as Assistant Teachers in different Primary and Upgraded Middle Schools in the year 2012, the petitioners had done their training from Jamia Urdu Aligarh, Uttar Pradesh, as such the Joint Secretary, Department of Education, Government of Bihar, vide letter no.317 dated 09.05.2012, communicated that the teachers who have done their training course from Jamia Urdu, Aligarh, Uttar Pradesh cannot be appointed as teachers, hence, in light of the letter dated 09.05.2012, issued by the Joint Secretary, Department of Education, the District Programme Officer, Establishment, Araria, issued letter no.693 dated 14.05.2012



cancelling the appointment of the petitioners as Assistant Teachers. The petitioners and other similarly situated teachers challenged the cancellation of appointment before the Hon'ble Supreme Court and the Hon'ble Supreme Court in light of the order dated 18.07.2013 passed in SLP (C) 5946/2013, directed that : *'We make it clear that none of the persons appointed out of 34,540 vacancies should be disturbed in any way'*. Accordingly, in terms of the order dated 18.07.2013, passed by the Hon'ble Supreme Court passed in SLP (C) 5946/2016, the D.P.O. Establishment, Araria issued letter no.629 dated 09.03.2017, reinstating the petitioners in service.

3. It is submitted that the petitioners accordingly, joined their school on 10.03.2017. It is submitted that the instant writ application has been filed for a direction upon the authorities to pay the salary of the petitioners for the period 14.05.2012 till 09.03.2017 on the ground that similarly situated teachers in the District of Siwan and Arwal have been paid their arrear salary after reinstatement.

4. The learned State Counsel submits that a counter affidavit on behalf of the respondent no.3 has been filed, where at para-8, it is pleaded that with regard to statements made in para-9, 10 and 11, it is submitted that the petitioners have



claimed for their salary for the period 14.05.2012 to 10.03.2017, the period they were ousted from the service, there were many such similarly situated teachers in that transaction whose services were terminated and thereafter, reinstated by the Hon'ble Court order, but there is no guidelines of the department on the issue of payment of their salary for that intermittent period. Hence, the answering respondent, vide letter no.331 dated 24.03.2025, wrote to the Director, Primary Education, Bihar (respondent no.2) seeking guidelines on the issue.

5. The learned counsel appearing on behalf of the petitioners submits that it absolutely does not stand to reason that on what basis the said pleading has been made in the counter affidavit when the authorities in the District of Siwan have paid the arrear salary for the aforesaid period to similarly situated teachers like the petitioners.

6. After hearing learned counsels for the parties, the writ application is disposed of with liberty to the petitioner to file a detailed representation before the Additional Chief Secretary-cum-Principal Secretary, Department of Education, Government of Bihar, seeking redressal of their grievances as raised in the instant writ application on or before 31.07.2025. In



the event if any application on behalf of the petitioners is filed on or before 31.07.2025 in that event the Additional Chief Secretary-cum-Principal Secretary, Department of Education, Government of Bihar, shall consider and dispose of the same in accordance with law after giving proper opportunity of hearing to the petitioners within a period of two months thereafter.

7. Accordingly, the instant writ application stands disposed of.

(Satyavrat Verma, J)

shikha/-

U			
---	--	--	--

