

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1294 of 2024
In
Civil Writ Jurisdiction Case No.4899 of 2015

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.

... .. Appellant/s

Versus

Smt. Ranjana Kumari W/o- Shashi Bhushan Kishore, Resident of Village-Patahi, P.S.- Patahi, District- East Champaran.

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Vevek Prasad, G.P.7
		Ms. Roona, AC to G.P.7
For the Respondent/s	:	Mr. Mayank Rukhaiyar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 01-11-2025

Heard Mr. Vivek Prasad, learned G.P. 7 for the State and Mr. Mayank Rukhaiyar, learned counsel appearing on behalf of the respondent.

2. The present appeal is directed against the order dated 25.06.2024 passed in C.W.J.C. No. 4899 of 2015 by which the learned Court has been pleased to allow the writ petition and also set aside the order impugned dated 23.01.2015 passed by the Director, Secondary Education, Government of Bihar, Patna (Appellant No. 3), apart from that writ court also directed the



Appellant No. 3 to conduct an enquiry with respect to the entitlement of the respondent/petitioner as a B.Sc. Trained Teacher and conclude the same within a period of three months from the date of receipt/communication of this order and pay the arrears due to the respondent/petitioner in five monthly installments. The writ court also directed the Appellant No. 3 to take into account the order dated 15.07.1996 which shows that the service of the respondent/petitioner had been approved as B.Sc. Trained Teacher.

3. Learned counsel for the appellants submits that the learned Single Judge did not consider the basic facts with respect to the respondent/petitioner that she was working beyond the sanctioned post as fixed by the State Government with respect to take over over Project School (Total 9, Teacher 8 + 1 Principal). The respondent/petitioner was working beyond the approved strength, which violates the policy decision of the State Government. As per policy decision of the State Government total 09 (nine) posts were approved in a take over project school and the respondent/petitioner was working beyond the approved strength.

4. Apart from the aforesaid, the learned writ court has directed that the enquiry could not go beyond the issue as to whether the petitioner was to be given recognition as an Assistant Teacher in the capacity of B.Sc. Untrained or B.Sc. Trained. The



enquiry could not reopen the matters of recognition which was granted with respect to the services of the petitioner vide order dated 15.07.1996 and the cancellation of recognition vide order dated 16.06.1997 of which was set aside by this Court vide order dated 18.01.2000 passed in C.W.J.C. No. 7112 of 1997. The writ court also directed the appellants could not have reopened the matter with respect to approval of service of the petitioner all over again.

5. Learned counsel for the respondent/petitioner submits that as far as submission of the appellants that the respondent/petitioner was working beyond the sanctioned post, is false. The Appellant No. 3 has filed an affidavit in the writ proceeding bearing C.W.J.C. No. 4899 of 2015 in which he has mentioned in paragraph no. 8 *“That from perusal of letter No. 73 dated 22.12.2023 attached with the letter of the District Education Officer concerned the Incharge Headmaster of the School in question has apprised that there is no record of January, 2000 is available in the School except the teachers attendance register and accordingly he has apprised that in the attendance register the name of the petitioner appears at Sl. No. 06.”*

6. From perusal of the aforesaid paragraph, it appears that the respondent/petitioner was working in the School in



question and respondent/petitioner was at Sl. No. 06 which suggests that the Appellant No. 3 had himself accepted that the respondent/petitioner was working within the sanctioned post.

7. We have perused the records of the case and we find that the learned Single Judge has dealt with all the aspects pertaining to the present case and has allowed the writ petition. The consideration part of the learned Single Judge in paragraph no. 21 of the judgment which is quoted hereinbelow :

“21. As directed vide order dated 12.03.2012 passed in C.W.J.C. No. 4334 of 2012, the Director, Secondary Education, Bihar, Patna shall conduct an enquiry with respect to the entitlement of the petitioner as a B.Sc. trained teacher, conclude the same within a period of three months from the date of receipt/communication of this order and pay the arrears due to the petitioner in five monthly installments. Further, as directed in the order dated 12.03.2012, the Director, Secondary Education, Bihar, Patna shall also take into account the order dated 15.07.1996 which shows that the service of the petitioner had been approved as B.Sc. Trained teacher.”



8. From perusal of the aforesaid paragraph-21 of the said judgment which suggests that the learned writ court had sent the matter to the Appellant No. 3 to conduct an enquiry with respect to entitlement of the petitioner as a B.Sc. trained teacher and also directed to conclude the same within a period of three months from the date of receipt/communication of this order.

9. In view of the aforesaid, we do not find any illegality and infirmity in the order of the writ Court and no case is made out for interference in the matter.

10. It is, accordingly, dismissed.

11. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.11.2025
Transmission Date	N.A.

