

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6352 of 2026

1. Kumari Rani Wife of Ravi Ranjan Kumar, At present resident of village- Ibrahimpur, Tole Chorniya Chiralla, P.S- Gaighat, District- Muzaffarpur and daughter of Kaushal Kishore Singh, resident of village- Maidapur, P.S.- Bochha, District- Muzaffarpur.
2. Tabassum Ara, Wife of Mohammad Shahid, Resident of Village- Nazirpur, P.S.- Gaighat, District- Muzaffarpur.
3. Wasim Ahmad, Son of Sagir Ahmad, Resident of Village- Balha, P.S.- Bisfi Balha, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education Department, Education Department, Govt. of Bihar, Patna.
3. The Secretary, Secondary Education Department, Education Department, Govt. of Bihar, Patna.
4. The District Education Officer, Education Department, Muzaffarpur.
5. The District Program Officer, Establishment, Education Department, Muzaffarpur.
6. The Block Development Officer cum Block Education Officer, Gaighat Block cum Secretary of Gaighat Block teacher appointment committee.
7. The Block Panchayat Officer of Gaighat Block, Gaighat, Muzaffarpur.
8. The Pramukh of Gaighat Block cum Chairman of Gaighat Block teacher appointment committee, Gaighat Block, P.S.- Gaighat, District- Muzaffarpur.
9. The Learned Presiding Officer, State Appellate Authority, Education Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Adv.
For the Respondent/s	:	Mr. Mujtabaul Haque, GP-12
		Mr. Manish Kumar, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 16-06-2026 Heard learned counsel for the petitioners and learned
counsel appearing for respondents-State.

2. This writ application has been filed by the



petitioners challenging the order dated 09.05.2025 (Annexure-P/7) passed by learned presiding officer State Appellate Authority, Education Department, Bihar, Patna, by which the learned State Appellate Authority has stayed the operation of order dated 16/10/2024 (Annexure-P/4) passed in Objection Case No.-75 of 2023 as well as order dated 12/04/2025 (Annexure-P/5) passed in Review Case No.- 01 of 2024 till final disposal of the appeal filed by the District Education Officer, Muzaffarpur and the District Programme Officer, Muzaffarpur.

3. It is the case of the petitioners that in the year 2008 advertisement for the post of Gaighat Block Teacher was published and the petitioners along with other candidates had applied for the same. As per Bihar Government, the Gaighat Block Selection Committee had to complete selection process of appointment of Block teacher till December 2010, but when the selection process did not get completed, the candidates approached District Appellate Authority, Muzaffarpur for issuance of order to the selection committee to complete the selection process of Gaighat Block teacher appointment and vide order dated 17/04/2015 passed in Objection Case No. 13 of 2024, direction was given to the members of Selection Committee to complete the selection process. When no action



was taken by the Selection Committee to complete the selection process, the petitioners along with other similarly situated persons filed Execution Case No.30 of 2016 and Execution Case No. 48 of 2016 and in those cases order was passed on 28/12/2019 (Annexure-P/1) imposing punishment of Rs. 30,000/ each to be paid by the members of the selection committee and further direction was given to put the record on 22/02/2020. It is further submitted by learned counsel for the petitioners that against the order dated 28/12/2019 (Annexure-P/1), the Block Education Officer, the Block Development Officer and Block Pramukh moved before the learned State Appellate Authority vide Appeal Case No.- 37/2020 and vide order dated 09/03/2020 (Annexure-P/2) the same was disposed off with a direction to the appellants to comply with the order passed by District Appellate Authority within 3 months.

4. It is further submitted that pursuant to the above development, the Selection Committee completed the selection process in March,2023 and issued appointment letters to selected candidates including the petitioners after completing all legal formalities on 28/03/2023. The petitioners and other selected candidates gave their joining in their respective allotted schools on different dates.



5. It is the further case of the petitioners that the petitioners along with other appointed candidates started discharging their duty from March/April 2023 itself, but they were not being paid salary. As a result of which, the petitioners along with other similarly situated teachers filed Objection Case no. 75 of 2023 before learned Presiding Officer, District Appellate Authority, Muzaffarpur and after hearing all the parties concerned, the learned District Appellate Authority, Muzaffarpur passed a detailed order dated 16/10/2024 (Annexure-P/4) giving direction to the respondents to pay arrears of salary of the petitioners along with other appointed teachers within one month from date of passing of the order. The operative portion of the order dated 16.10.2024 (Annexure-P/4) passed in Objection Case no.75 of 2023 is quoted herein below for needful:

“6. Therefore, it is hereby ordered that:

*a. The Opposite Parties are directed to settle the pending salaries of the admitted teachers without any further delay within a period of *one month* from the date of this order. This timeline is mandated to guarantee that the educators can regain their financial stability and proceed with their essential roles in educating the students under their care.*

b. A detailed account of the entire payment process, including the steps taken to address this Issue and a specific breakdown of amounts owed, should be



compiled and submitted to this Authority by the end of the stipulated period. This report will ensure transparency and accountability in the handling of these payments.

C. Any failure in compliance with this order will be viewed with the utmost seriousness and may Invoke further legal proceedings against the responsible parties. The implications of such non-compliance could lead to additional scrutiny and ramifications beyond the immediate financial obligations.

7. This order is issued in the interest of justice and in steadfast support of the rights of the educators, who play a crucial and indispensable role in the development of future generations and the nurturing of an educated society. The prompt and fair resolution of this matter is imperative not only for the individuals directly affected but also for maintaining the integrity of the educational system as a whole. Hence this petition is allowed and disposed of with directions as above.”

6. It is further brought to the notice of this Court by the learned Counsel for the petitioners that against the order dated 16/10/2024 passed in Objection Case no.75 of 2023 in favour of the petitioners, the District Programme Officer (Establishment), Muzaffarpur (respondent no. 5) filed a review petition vide Review Petition Case No.01/2024 before the learned District Appellate Authority, Muzaffarpur. The said review petition was dismissed vide order dated 12/04/2025 (Annexure-P/5). The operative portion of the order dated 12.04.2025 dismissing the review petition is quoted herein



below for needful.

“Having gone through elaborate facts of both sides and next, taking into account prevailing legal position as above let me analyse this case. Important is that Review petitioner did not participate in the hearing of Objection Petition. Record of the case under challenge immensely shows that notices were satisfactorily issued and served on the opposite side but they avoided appearance or filing of their substance. Moreover, details of facts as advanced here is that Opposite side didn't accept genuineness of the Teacher's appointment held on 27/03/2023; so well within their knowledge and belief there was occasion for them to raise their point at the appropriate stage but they avoided; for the reasons best known to them only. In the running situation I find that Review petitioner didn't care to raise their point even within statutory limitation period of 30 days and plausible explanation they didn't provide for causing delay. Further I take cognizance of the fact that making plea at para 12 of the Review Petition, petitioner has crossed the limit expressing that "on extraneous consideration" impugned order was passed. The words or remarks used in para 12 is highly objectionable as well as derogatory. It reflected only that Petitioner lacked honour and dignity what ought to have been shown for statutorily constituted adjudicatory Authority. This matter is rather inexcusable for a public servant what the petitioner is. Let an explanation called for from the petitioner as to why necessary action



be not taken against him in respect of his assertions made in para 12 of the Review Petition.

That apart, taking discussion as to entertainability of the Review Petition I need to disclose that factual matrix of the instant Petition cannot be considered because Review itself is not found tenable under the procedural law. Besides limitation bar Review Petition is lacking ground for its entertainability hence it stands rejected. Also I do not find ground for staying the operation of the impugned order passed in the Objection Case. The prayer for stay is accordingly rejected. Let the Objection Case No.75/2023 proceed in its spirit and requirements. Put up record of Objection Petition on 26.04 2025 for necessary action.”

7. It is further submitted by learned counsel for the petitioners that valuable rights had accrued to the petitioners to receive salary on the basis of the order dated 16.10.2024 passed in Objection Case no.75 of 2023 read with order dated 12.04.2025 passed in Review Petition Case No.01 of 2024. However, instead of paying salary to the petitioners, the District Education Officer, Muzaffarpur and District Programme Officer, Muzaffarpur decided to challenge the order dated 16.10.2024 passed in Objection Case no.75 of 2023 by filing an appeal before the State Appellate Authority, which was registered as Appeal /147/2025. In the said appeal the petitioners and other



similarly situated teachers were made party respondent nos.1 to 54.

8. It is further contended that without issuance of notice to party respondent nos.1 to 54 which included the petitioners, when the Appeal/147/2025 was taken up by the State Appellate Authority, Education Department, Bihar, Patna, for the first time on 09.05.2025, the learned State Appellate Authority without hearing the party respondent nos.1 to 54 which included the petitioners decided to stay the operation of the order dated 16.10.2024 passed in Objection Case No.75 of 2023 till the disposal of the appeal. This order dated 09.05.2025 passed in Appeal/147/2025 has been brought on record by way of Annexure-P/7 and the petitioners being aggrieved by this order have preferred this writ application challenging the same. The main ground for challenging this order dated 09.05.2025 passed in Appeal/147/2025 is that this order staying the operation of the order dated 16.10.2024 passed in Objection Case No.75 of 2025 by which the petitioners were entitled to be paid salary has been passed in flagrant violation of the principles of natural justice, without hearing the petitioners. The petitioners are therefore praying that this order dated 09.05.2025 passed in Appeal/147/2025 be set aside and the matter be



remanded back to the learned State Appellate Authority to pass fresh order after giving opportunity of hearing to the petitioners.

9. *Per contra*, learned counsel appearing on behalf of respondent-State submits that a detailed counter has been filed in this case opposing the prayer made by learned counsel for the petitioners and in paragraphs 9 to 13 the same has been elaborately explained. For ready reference paragraphs 9 to 13 of the counter affidavit filed by respondents-State is quoted herein below for needful:

“9. That it is a settled principle of service jurisprudence that a selection panel or waiting list does not have an indefinite life. The recruitment process in question commenced in the year 2008 and was required to conclude by December, 2010. However, appointment letters were issued only in March 2023, i.e., after an unexplained delay of more than twelve years, rendering such appointments prima facie irregular.

10. That it is submitted that the vacancies pertaining to the year 2008 had already been exhausted during earlier recruitment cycles, and thereafter, the statutory framework governing teachers' appointment underwent substantial change with the enforcement of the Bihar State School Teacher Rules, 2023. Appointments are required to be governed strictly by the rules prevailing at the time of occurrence of vacancies, and not by obsolete or expired panels.

11. That it is humbly submitted that any attempt to fill alleged vacancies of the year 2008 in the year 2023 violates Articles 14 and 16 of the Constitution of India, as it deprives eligible candidates of subsequent recruitment cycles of fair consideration and disturbs settled service positions.

12. That it is submitted that the



direction of the learned District Appellate Authority to pay arrears of salary for appointments made after more than twelve years would impose an unwarranted and severe financial burden on the State exchequer, especially when the legality of such appointments is under serious dispute.

13. That it is pertinent to submit here that a Three-Member Inquiry Committee, constituted vide Letter No. 2778 by the District Education Officer, Muzaffarpur, conducted a detailed inquiry and submitted its report vide Letter No. 1162 dated 03.08.2023, revealing grave irregularities, inter alia:-

(i) Counselling conducted without approval of the competent authority;

(ii) Appointments made without sanction of higher authorities;

(iii) Selection of candidates who had not even applied in the year 2008 recruitment process; and

(iv) Distribution of appointment letters in a suspicious and unauthorized manner.”

10. Having considered the submissions made by both the parties, this Court is of the view that the impugned order under challenge dated 09-05-2025 (Annexure-P/7) passed in Appeal/147/2025 has been passed behind the back of the petitioners, without giving them any opportunity of being heard, and therefore, the said order blatantly violates the principles of natural justice. It cannot be denied that valuable rights had accrued to the petitioners to be paid salary on the basis of order dated 16.10.2024 passed in Objection Case No.75 of 2023 which could only have been stalled, if deemed necessary, after giving proper opportunity of hearing to the petitioners.



11. In this view of the matter, I am inclined to set aside the impugned order dated 09.05.2025 passed in Appeal/147/2025 (Annexure-P/7) and the matter is remitted back to the learned State Appellate Authority, Education Department, Bihar, Patna for passing a fresh order after giving opportunity of hearing to the petitioners and similarly situated persons. It is made clear that this Court has expressed no opinion on the merits of the matter, which will be open for consideration by the learned State Appellate Authority while deciding the appeal on merit.

12. This writ application is allowed to the aforesaid extent. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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