

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7084 of 2025

Runa Devi, Wife of Late Jokhan Ram, Resident of village- Sisavaniya, P. O.-
Ramgarhwa, P. S.- Ram garhwa, District- East Champaran-845433.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director (Primary Education), Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The District Education Officer, East Champaran, Motihari.
4. The District Programme Officer (Establishment), East Champaran, Motihari.
5. The Headmaster, Middle School, Ramgarhwa Kanya, East Champaran, Motihari .

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9789 of 2025

Rajiv Kumar Son of Late Chandrashekhar Mishra Resident of Village-
Damodarpur, P.S.- Areraj, District- East Champaran- 845425.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director (Primary Education), Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The District Education Officer, East Champaran, Motihari.
4. The District Programme Officer (Establishment), East Champaran, Motihari.
5. The Headmaster, Up Graded Middle School, Barai Tola (East), Block-
Areraj, East Champaran, Motihari.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7084 of 2025)

For the Petitioner/s : Mr. Dilip Kumar Tiwari, Adv.
Mr.Lal Mani Sharma, Adv.

For the Respondent/s : Mr. Binod Yadav, SC 18
Mr. AC to SC 18

(In Civil Writ Jurisdiction Case No. 9789 of 2025)

For the Petitioner/s : Mr. Dilip Kumar Tiwari, Adv.
Mr.Lal Mani Sharma, Adv.

For the Respondent/s : Mr. Sajid Salim Khan, SC 25
Mr. AC to SC 25

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-02-2026

Heard the parties.

2. The petitioners in both the writ petitions are



aggrieved with the common order as contained in Memo No. 2563 dated 15.07.2023 issued under the signature of the District Education Officer, East Champaran, Motihari, the respondent No. 3, by which they have been removed from their services with effect from the date of issuance of the said order.

3. The facts are admitted to the extent that on the recommendation of the District Compassionate Appointment Committee, the petitioners were duly appointed on the post of Assistant Teacher in the Matric Untrained pay scale of Rs.3050-4590/- and was posted in the respective allotted schools. Since the petitioners were appointed as Untrained Teacher, hence subsequently they were registered in Diploma in Elementary Education (ODL) courses for the session 2013-15 through the Department itself. The Examination of the ODL was conducted in October-November, 2018 which was the last examination and the result was published on 31.03.2019 which was decided by the Department to be the last chance for the training. Thereafter, the petitioners and others have never been allowed to complete the examination and now in the meantime, the impugned order contained in Memo No. 2563 dated 15.07.2023 came to be passed and the petitioners have been removed from their services.



4. Learned Advocate for the petitioners submitted that by the impugned order altogether 11 persons have been removed from their services, who were appointed on compassionate ground, but they could not pass their Teachers Training Examination. Aggrieved with the afore noted order, some of the Assistant Teachers namely, Mritunjay Kumar, Ashutosh Kumar Pandey, Mala Kumari @ Mala Devi and Mohammad Istyak Alam have approached this Court by filing separate writ petition bearing CWJC Nos.3484 of 2024, 6679 of 2024, 16767 of 2023 and 17297 of 2023, respectively. A Bench of this Court having considered the fact that the petitioners are not at fault, rather the respondent authorities had not acted as per the guidelines and not extended the opportunity to appear in Diploma in Elementary Education (OLD) Examination inspite of the fact that according to the guidelines the Trainee Teachers were granted more opportunity to clear examination, set aside the impugned order vide different orders; copies of the orders have been placed on record as Annexure P/9 series. Referring to the afore noted order, on instruction, it is further contended that now the petitioners of those writ petitions have been reinstated to their services and they have been discharging their duties but discrimination has been caused and the



petitioners have been left in lurch by removing them from their services.

5. On the other hand, learned Senior Advocate/Advocate for the State submitted that under the provision of RTE Act, 2009 it has become mandatory for all untrained teachers to acquire training one way or another within a stipulated three years period. However, since the petitioners have not passed the Teachers Training Examination, hence their continuance as Assistant Teacher is wholly bad in law. The entire action has been taken in compliance with the order passed in CWJC No. 16214 of 2019 [Md. Ataur Rahman & Ors. vs. The State of Bihar & Ors.].

6. This Court has considered the submissions advanced by the learned Advocates for the respective parties and also took note of the facts, especially the order passed by this Court whereby the impugned order as contained in Memo No. 2563 dated 15.07.2023 came to be set aside by holding as follows:

“6. After hearing learned counsel for the parties and going through the materials available on record, it is not in dispute that the teachers appointed on compassionate ground were given opportunity for training but at no point of time the petitioner was provided such opportunity for



training by sending the petitioner for training like other teachers appointed on compassionate ground. More over, the teachers who have failed in passing the training examination, were/have been granted 2nd opportunity to clear the examination. Even the teachers who failed in CET, were given three/four opportunities to clear the same but no opportunity has even been granted by the respondents to the petitioner to complete the training course by sending the petitioner for obtaining training from any training college.”

7. In view of the aforesaid facts and the position of law, this Court finds substance in the writ petitions and accordingly, the present writ petitions also stand allowed. The impugned order contained in Memo No. 2563 dated 15.07.2023 is hereby set aside *qua* the petitioners. The petitioners are also directed to be reinstated with all consequential benefits as has been extended to other identically situated persons in terms with the afore noted order.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.02.2026
Transmission Date	

