

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9465 of 2026

1. Sudish Kumar Pandey Son of Kamta Pandey, Resident of Village- Pandauli, Post Office- Dumaria, Police Station- Sahtwar, District- Ballia (U.P).
2. Md. Abdur Rahman Son of Md. Hussain, Resident of Mohalla- Saharsa Basti, Police Station- Saharsa, District- Saharsa.
3. Rakesh Ranjan Son of Chitranjan Ray Resident of Village- Mirganj, Babhangawan, Police Station- Barhara, District- Bhojpur.
4. Sanjay Kumar Son of Ram Bilash Yadav, Resident of Village- Bhandariya, Police Station- Jamalpur, District- Darbhanga.
5. Ramesh Kumar Mandal Son of Bedanand Mandal, Resident of Village- Chilkapatti, Police Station- Ganpatganj, District-Supaul.
6. Dipak Kumar Ranjan Son of Upendra Mahto, Resident of Village-Kalaunjar, Police Station- Kalyanpur, District-Samastipur.
7. Ganesh Kumar Son of Kishun Chand Yadav, Resident of Village- Sattar, Police Station-Pachgachia, District- Saharsa.
8. Ravi Kumar Son of Nagendra Prasad, Resident of Mohalla- West of Brahmdeo Bhawan, Police Station- Purandarpur, District- Patna.
9. Chandan Dubey Son of Vinod Dubey, Resident of Village- Mohabbatpur, Police Station- Shadiabad, District- Ghazipur (U.P), PIN-275205.
10. Sunil Kumar Yadav Son of Ramowaar Yadav, Resident of Village- Mahenpur, Police Station- Karanda, District- Ghazipur (U.P).
11. Anish Kumar Son of Rajdeo Sah, Resident of Mohalla- Somaro Bhawan, North Nehru Nagar, Police Station- Patliputra, District-Patna.
12. Ramesh Kumar Son of Nand Lal Yadav, Resident of Village- Bishnupur, Post Office- Parwa Navtole, Police Station- Murliganj, District- Madhepura.
13. Shatrughna Kumar Son of Nirmal Yadav, Resident of Village- Shishwa, Police Station- Barhara Kothi, District- Purnea.
14. Ravindra Kumar Yadav Son of Devram Yadav, Resident of Village- Koriapatti, Police Station- Raghapur, District- Supaul.
15. Sushil Singh Chauhan Son of Tejadhari Singh, Resident of Village- Lalganj, Police Station- Nokha, District- Rohtas.
16. Sarbjeet Kumar Singh Son of Lal Bahadur Singh, Resident of Village- Jarauli, Police Station- Pipra, District- Supaul.
17. Priyatosh Kumar Son of Late Bhagwan Prasad, Resident of Mohalla- Rambagh, Police Station- Kabirmath, District- Purnea.
18. Vimal Prakash Gupta Son of Om Prakash Gupta, Resident of Village- Madhopur, Police Station- Rasra, District- Ballia (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.



2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the State : Mr. Additional Advocate General (3)
Ms. Divya Verma, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioners and learned
counsel appearing for the respondent-State.

2. In the present writ application, the petitioners
have prayed for the grant of the following relief(s):-

“(i) For issuance of a writ in the nature of certiorari setting aside the impugned Letter No. 2036 dated 21.12.2024 issued under the signature of Director, Primary Education, Government of Bihar Patna whereby the provisional appointment letter issued to the petitioners dated 20.11.2024 & 23.12.2024 have been cancelled with further direction to all the District Education Officers of entire State to post the Exclusive Teachers including these petitioners at the School where they were earlier posted as Niyojit Teachers by issuing fresh provisional appointment letters dated 23.12.2024 without getting prior consent from



the petitioner in arbitrary manner without assigning any reason which is not only in violation of principle of Natural Justice rather contrary to its own service Rules.

(ii) For issuance of appropriate order/direction upon the Respondents concerned to post all the petitioners at their respective allotted District in view of provisional appointment letters issued on 20.11.2024 & 23.12.2024 allotting their respective schools for posting within time frame as in another hand Respondent Education Department issued fresh provisional appointment letters dated 23.12.2024 effecting the transfer policy for newly appointed teachers in Tre III and going to fill up the rest of post by starting process for Tre IV in which rest of the posts of different District will be included, causing gross prejudice to the claim of petitioners.

(iii) For issuance of appropriate direction upon the Respondents concerned to keep at least posts vacant in the concerned District where the petitioners were issued provisional appointment letters allotting concerned District as per their merit position in view of Rule 4 of the Bihar School Exclusive Teacher's Rules 2023.



(iv) For disposing the present writ application in terms of order passed in C.W.J.C. No. 6127 of 2025 and other analogous cases, which has been disposed of vide order dated 13.05.2026 (Annexure-P/7) by this Hon'ble Court as the issue involved in the present case is same in above referred case even Respondents are same so that consideration of claim of petitioners may also be done by the Respondents in same terms.

(v) Any order/orders for granting any other relief/reliefs for which petitioners are found entitled to in the facts and circumstances of the case.”

3. Learned counsel appearing for the petitioners submits that the issues involved in this writ application are no longer *res integra*. The same issues, in identical matters have already been decided, vide judgment dated dated 13.05.2026 passed by this Court in CWJC No. 6127 of 2025 and other analogous cases, which has been brought on record by way of Annexure-P/7. He therefore, prays that this writ application be decided/disposed of in terms of the judgment dated 13.05.2026 passed in CWJC No. 6127 of 2025 and other analogous matters.



4. To the aforesaid submissions made by learned counsel for the petitioners, learned counsel appearing for the respondent-State does not dispute the factual position that the case of the petitioners is squarely covered by judgment dated 13.05.2026 passed in CWJC No. 6127 of 2025 and other analogous matters.

5. Considering the submissions made by the parties, this writ application is allowed in terms of the judgment dated 13.05.2026 passed in CWJC No. 6127 of 2025 and other analogous matters.

6. Accordingly, for the reasons recorded in the said judgment, the impugned order contained in Memo No. 2036 dated 21.12.2024 (Annexure-P/6), issued by the Director, Primary Education, Bihar, Patna, whereby the provisional appointment letters issued in favour of the petitioners was cancelled and the petitioners were directed to continue in their earlier schools, is hereby quashed to the extent it applies to the petitioners. Resultantly, the subsequent provisional appointment letters (Annexure-3 series), issued in terms of (Amendment Rules of 2024), are also quashed.

7. Further, the consequential action of the



respondent-authorities in giving retrospective effect to the (Amendment Rules of 2024) in respect of the petitioners, despite completion of the selection process under “unamended Exclusive Teachers Rules, 2023”, is held to be arbitrary and unsustainable in law.

The respondent authorities are accordingly directed to give effect to the selection process undertaken under the “unamended Exclusive Teachers Rules, 2023” and to proceed with the appointments/postings of the petitioners in the districts allotted to them pursuant to the competency test conducted under the unamended statutory scheme. The earlier provisional appointment letters dated 20.11.2024, issued in favour of the petitioners, shall stand restored and acted upon by the concerned authorities. In respect of those petitioners, who were not issued provisional appointment letters despite having qualified in the same process, and having been allotted districts, the respondents authorities shall issue consequential appointment/posting orders in accordance with the “unamended Exclusive Teachers Rules, 2023” after canceling their subsequent provisional appointment letters, if any, have been issued in terms of “Amendment Rules of 2024”.

8. The respondent authorities are further directed to



complete the exercise of allotment of schools and consequential posting of the petitioners in their respective allotted districts, within a period of six weeks from the date of receipt/production of a copy of this order.

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

10. However, there shall be no order as to costs.

(Alok Kumar Sinha, J)

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