

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21535 of 2019

1. Ashesh Kumar, son of Sri Chandeshwar Prasad Singh, resident of village- Bangra, Post office - Sugauli, Police station - Sugauli, District- East Champaran.
2. Neeraj Kumar, son of Umesh Singh, resident of village - Chainpur, P.O. and P.S. - Majorganj, District- Sitamarhi.
3. Priyanka Kumari, daughter of Arun Kumar Pandey, resident of village - Lodipur, P.O. - Amavn, P.S.- Chainpur, District- Kaimur, Bhabhua.
4. Pushpanjali Kumari, daughter of Gorakh Singh, resident of vidyanagar, Behind Deopt, Utarwari Pokhra, Bettiah, P.S. - Bettiah Nagar, District- West Champaran.
5. Rupam Kumari, wife of Ran Vijay Singh, resident of village and P.O.- Dharwara, P.S.- Mejorganj, District- Sitamarhi.
6. Prem Nath Singh, son of Naga Singh, resident of village and P.O.- Dharwara, P.S.- Mejorganj, District- Sitamarhi.
7. Ran Vijay Pratap Singh, son of Siojee Singh, resident of village - Sahasraon, P.O.- Asaon, P.S.- Asaon, District-Siwan.
8. Rajeev Kumar Ranjan, son of Pradeep Singh, resident of village - Nawada, P.O.- Ishipur, P.S.- Ishipur, District- Bhagalpur.
9. Basuki Nath Singh, son of Kameshwar Singh, resident of Sankat Mochan nagar, P.O. and P.S.- Ara Nawada, District- Bhojpur.
10. Santosh Kumar Pandey, son of late Devendra Pandey, resident of village - Horil Bigha, P.O.- Yogipur, P.S.- Hilsa, District- Nalanda.
11. Md. Qamruddin, son of Md. Waris Ali, resident of village and P.O.- Hussaina, P.S.- Ballia, District- Begusarai.
12. Rimjhim Kumari, wife of Gangesh Gautam, resident of village - Anti, P.O.- Kadirganj, P.S.- Nawada, District- Nawada.
13. Ranjit Kumar, son of Chandra Shekhar Prasad, resident of via Hasani, P.O.- Raisa, P.S.- Chandi, District- Nalanda.
14. Sujeet Prasad Singh, son of Baleshwar Singh, resident of village - Kundi, P.O.- Daruara, P.S.- Noorsarai, District- Nalanda.
15. Mahesh Kumar, son of Vindeshwar Roy, resident of village - Dadpur Chaknoor, Ward no. 12, P.O. - Rahmatpur, P.S.- Samastipur, District- Samastipur.
16. Dr. Madhusudan Kumar Singh, son of Vidya Nath Singh, resident of at and P.O. - Bhalua, P.S.- Barharia, District- Siwan.
17. Ved Prakash Kumar, son of Sheo Sharan Singh, resident of village - Tarhari via Sikandra, P.O.- Tharhari, P.S.- Halsi, District- Lakhisarai.
18. Santosh Kumar Paswan, son of Kulanand Paswan, resident of at - Budhia Gola, P.O.- Budhia Dhanghatta, P.S.- Sarai, District- Purnea.
19. Raj Kumar Mehta, son of Umapati Mehta, resident of village - Ramna Loha Singh, P.O. - Belarikabganj, P.S.- K. Nagar, District- Purnea.



20. Krishna Jee pal, son of Angrahit Prasad Pal, resident of village - Brahmpur, P.O.- Brahmpur, P.S.- Brahmpur, District- Buxar.
21. Sujata Kumari, wife of Rajesh Kumar, resident of Bajrang Puram Road no. 1, Rewa Road, Bhagwanpur, P.O.- Muzaffarpur H.O., P.S.- Sadar, District- Muzaffarpur.
22. Sharmila, daughter of Late Bhagwat Sah, resident of village - Raghunathpur, Donma, P.O.- Dholi, P.S.- Sakra, District- Muzaffarpur.
23. Ajay Kumar, son of Devanand Yadav, resident of village - Bhairampur, P.O.- Bausad, P.S.- Kumarkhand, District- Madhepura.
24. Binod Kumar Gupta, son of Late Ramjee Sah, resident of Bodh Vihar Colony, P.O. and P.S- Kahalgaon, District- Bhagalpur.
25. Rahul Prasad Gupta, son of Dinesh Prasad Gupta, resident of Murliganj, Ward no. 2, P.O. and P.S.- Murliganj, District- Madhepura.
26. Shyam Sundar Prasad Singh, son of Anirudh Prasad Singh, resident of village - Muradpur, P.O.- Bamdeo, P.S.- Rajoun, District- Banka.
27. Ravi Kumar Mandal, son of Ramswaroop Mandal, resident of village - Gajhanda, P.O.- Vijayhut, P.S.- Barahat, District- Banka.
28. Ripunjay Rao, son of Parshuram Rao, resident of village - Ratwal, P.O. - Patilar, P.S.- Chautarwa, District- West Champaran.
29. Suraj Kumar, son of Shiv Shankar Sah, resident of at and P.O.- Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur.
30. Kalpana Rani, daughter of Deoki Nandan Prasad, resident of at- Shashtrinagar, Bagaha, P.O. and P.S.- Bagaha, District- West Champaran.
31. Ajay Kumar Das, son of Ganesh Das, resident of village - Jamaldipur, P.O. - Gauripur, P.S.- Bihpur, District- Bhagalpur.
32. Gagan Kumar, son of Ram Naresh Singh, resident of village and P.O.- Goh, P.S.- Goh, District- Aurangabad.
33. Avinash Kumar, son of Kamlesh Kumar Lal, resident of Ward no. 17, Station Road, Near Railway Institute, P.O. and P.S. - Samastipur, District- Samastipur.
34. Raj Kumar, son of Sri Ramanand Prasad, resident of village - Dadhiya, P.O.- Janardanpur, P.S.- Samsatipur, District- Samastipur.
35. Sandeep Kumar, son of Yogendra Mandal, resident of at - Rampur, P.O. and P.S. - Jamalpur, District- Munger.
36. Gautam Kumar, son of Ramsevak Singh, resident of at and P.O. - Nayanagar, P.S. - Hasanpur, District- Samastipur.
37. Ram Chandra Thakur, son of Vhuttu Thakur, resident of and P.O. - Sonsa, P.S.- Singhia, District- Samastipur.
38. Dharmendra Mishra, son of Late Datta Treynath Mishra, resident of village - Khemantola, P.O.- Peuli, P.S. - Mirganj, District- Gopalganj.
39. Amrendra Kumar Singh, son of Vishwanath Singh, resident of mohalla - Daulatganj near Anupurna Mandir, Chapra P.O.- Chapra, P.S. - Chapra, District- Saran.
40. Rakesh Kumar, son of Sri Kamleshwari Prasad Singh, resident of at and



P.O.- Sukhanagar, P.S.- Pratapganj, District- Supaul.

41. Archana Kumari, wife of Sambhu Prasad, resident of village - Kanhauli Bazar, Ward no. 1, P.O.- Kanhauli, P.S. - Kanhauli, District- Sitamarhi.
42. Prashi Kumari, daughter of Satendra prasad Singh, resident of village and P.O. - Bariyarpur, P.S. - Bariyarpur, District- Munger.
43. Gulshan Arra, daughter of Md. Mamohiuddin, resident of village - Mirzapur Bardah, P.O.- Dariyapur, P.S.- Mufassil, District- Munger.
44. Rakhi Kumari, wife of Vikash Chandra Mishra, resident of village and P.O.- Ptuaaha, P.S.- Saharsa, District- Saharsa.
45. Sharda Twari, daughter of Vasistha Tiwari, resident of village and P.O.- Belahi Khas, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Deputy Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, East Champaran.
6. The District Programme Officer, East Champaran.
7. The District Education Officer, West Champaran.
8. The District Programme Officer, West Champaran.
9. The District Education Officer, Kaimur, Bhabhua.
10. The District Programme Officer, Kaimur, Bhabhua.
11. The District Education Officer, Vaishali.
12. The District Programme Officer, Vaishali.
13. The District Education Officer, Siwan.
14. The District Programme Officer, Siwan.
15. The District Education Officer, Bhagalpur.
16. The District Programme Officer, Bhagalpur.
17. The District Education Officer, Patna.
18. The District Programme Officer, Patna.
19. The District Education Officer, Samastipur.
20. The District Programme Officer, Samastipur.
21. The District Education Officer, Jamui.
22. The District Programme Officer, Jamui.
23. The District Education Officer, Nalanda.



24. The District Programme Officer, Nalanda.
25. The District Education Officer, Lakhisarai.
26. The District Programme Officer, Lakhisarai.
27. The District Education Officer, Purnea.
28. The District Programme Officer, Purnea.
29. The District Education Officer, Rohtas.
30. The District Programme Officer, Rohtas.
31. The District Education Officer, Muzaffarpur.
32. The District Programme Officer, Muzaffarpur.
33. The District Education Officer, Madhepura.
34. The District Programme Officer, Madhepura.
35. The District Education Officer, Banka.
36. The District Programme Officer, Banka.
37. The District Education Officer, Aurangabad.
38. The District Programme Officer, Aurangabad.
39. The District Education Officer, Munger.
40. The District Programme Officer, Munger.
41. The District Education Officer, Gopalganj.
42. The District Programme Officer, Gopalganj.
43. The District Education Officer, Supaul.
44. The District Programme Officer, Supaul.
45. The District Education Officer, Saharsa.
46. The District Programme Officer, Saharsa.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2099 of 2021

1. Pushpa Kumari wife of Ganesh Kumar Prasad resident of Village- Bala Adharpur, P.O.- Kishunpura, P.S.- Basantpur, District- Siwan.
2. Rupesh Kumar Prasad son of Prabhu Nath Prasad resident of Village- Sahasa, Post Office- Rampur Lowa via Mora, Police Station- Bhagwanpurhat, District- Siwan.
3. Nirbhay Kumar Singh son of Bageshwari Singh resident of Village- Basawan, P.O.- Bansawan, P.S.- Basantpur, District- Siwan.
4. Vinod Kumar Yadav son of Sudarshan Yadav resident of Village- Bihari Khurd, P.O.- Guthani, P.S.- Guthani, District- Siwan.
5. Vinod Kumar Roy son of Bhola Rai resident of Village and Post Office- Titra, Police Station- Mairwa, District- Siwan.
6. Chandan Kumar Manjhi son of Dina Nath Manjhi resident of Village-



Hasanpurva, P.O.- Sarave, P.S.- Mufassil, District- Siwan.

7. Nishi Kumari wife of Dinesh Kumar Singh resident of Village- Pateji Bahadur, P.O.- Kunjhwan, P.S.- Assaon, District- Siwan.
8. Acche Lal Yadav son of Ram Kripal Yadav resident of Village- Chhitoni, P.O.- Chhitoni, P.S.- Siswan, District- Siwan.
9. Ishwar Dev Yadav son of Suraj Vanshee Singh resident of Village and P.O.- Patepur, P.S.- Brahmpur, District- Gazipur (U.P.).
10. Punita Kumari wife of Pradeep Kumar Mishra resident of Kamalabihar Colony, Tulsi Nagar, Ramnagar, P.O.- Siwan, P.S.- Siwan, District- Siwan.
11. Banita daughter of Vakil Ram, wife of Vinod Kumar Shashi resident of Village- Tian, P.O.- Tian, P.S.- Andar, District- Siwan.
12. Mamta Kumari daughter of Pashupati Kumar Singh resident of Eslhauta Ward No. 1, Maharajganj, P.S.- Maharajganj, District- Siwan.
13. Rajiv Ranjan son of Mohan Prasad resident of Village- Daulatganj, Buti More, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Deputy Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, Siwan.
6. The District Programme Officer, Siwan.
7. The District Education Officer, Bhojpur.
8. The District Programme Officer, Bhojpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5321 of 2022

1. Prabhash Kumar Son of Sri Ram Sagar Prasad Yadav Resident of Village - Kumarchakki, Post Office - Rahimpur, Police Station - Muffasil, District- Khagaria.
2. Bibhash Kumar Son of Ramsagar Prasad Yadav Resident of Village - Kumarchakki, Post Office - Rahimpur, Police Station - Muffasil, District- Khagaria.
3. Soni Kumari Wife of Shraynish Kumar Resident of Village - Dudhpura, Post Office - Mangalgarh, Police Station - Hasanpur, District- Samastipur.
4. Niranjana Roy Son of Late Rambalak Roy Resident of Village - Madhavpur,



Post Office - Madhavpur, Police Station - Parbatta, District- Khagaria.

5. Santosh Kumar Son of Arvind Kumar Singh Resident of Village - Bishanpur, Post Office - Bishanpur, Police Station - Korha, District- Katihar.
6. Sumit Kumar Son of Ramsagar Prasad Yadav Resident of Village - Kumarchakki, Post Office - Rahimpur, Police Station - Muffasil, District- Khagaria.
7. Shashi Bala Mehta Wife of Dilip Kumar Deep Resident of Village - Forbesganj, Post Office - Forbesganj, Police Station - Forbesganj, District- Araria.
8. Raman Kumar Mandal Son of Fuleshwar Mandal Resident of Village - Parmanandpur, Post Office - Parmandpur, Police Station - Raniganj, District- Araria.
9. Manoj Kumar Mehta Son of Sita Ram Mehta Resident of Village - Forbesganj, Post Office - Forbesganj, Police Station - Forbesganj, District- Araria.
10. Chandan Kumar Son of Manoj Kumar Yadav Resident of Village - Forbesganj, Post Office - Forbesganj, Police Station - Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Deputy Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
5. The Assistant Director, Secondary Education, Education Department, Government of Bihar, Patna.
6. The Deputy Development Commissioner cum Chief Executive Officer, District Board, Khagaria.
7. The District Education Officer, Khagaria.
8. The District Programme Officer Establishment, Khagaria.
9. The Town Executive Officer cum Member Secretary, Municipal Council Selection Unit, Khagaria.
10. The Chief Executive Officer, District Board, Madhubani.
11. The District Education Officer, Madhubani.
12. The District Programme Officer Establishment, Madhubani.
13. The Deputy Development Commissioner cum Chief Executive Officer, District Board, Purnea.
14. The District Education Officer, Purnea.
15. The District Programme Officer Establishment, Purnea.
16. Member Secretary, Town Teacher Selection Committee cum CEO,



Municipal Council, Forbesganj.

17. The Deputy Development Commissioner cum Chief Executive Officer, District Board, Araria.
18. The District Education Officer, Araria.
19. The District Programme Officer Establishment, Araria.
20. The Chief Executive Officer cum Member Secretary, District Board Selection Committee, Kishanganj.
21. The District Education Officer, Kishanganj.
22. The District Programme Officer Establishment, Kishanganj.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12490 of 2022

1. Zulfiqar Ali son of Md. Moeenuddin Ansari, resident of village - Bagoian, Post office - Madanshat, Police Station - Daudpur, District- Saran, Chapra.
2. Shashank Shekhar Rai son of Kapil Deo Rai, resident of village - Ratanpura, Garhitir, Police Station - Bhagwan Bazar, District - Saran, Chapra.
3. Ravi Shankar Prasad son of Lalit Mohan Prasad, resident of village - Raghunathpur, P.S. - Turkauliya, District- East Champaran.
4. Dharmendra Kumar Pandey son of Ram Naresh Pandey, resident of village - Sani Chanda, Bhaluhi, P.S. - Marhaura, District- Saran, Chapra.
5. Rajesh Kumar son of Narendra Kumar Jha, resident of village- Basudeva, P.S. - Saraiya District- Muzaffarpur.
6. Garima Mishra daughter of Chandra Kishore Mishra, resident of village and post office - Mahinath nagar, Police station - Beldaur, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Deputy Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, East Champaran.
6. The District Programme Officer, East Champaran.
7. The District Education Officer, Saran, Chapra.
8. The District Programme Officer, Saran, Chapra.
9. The District Education Officer, Khagaria.
10. The District Programme Officer, Khagaria.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 21535 of 2019)

For the Petitioner/s : Mr. Parijat Saurav, Adv.

For the Respondent/s : Mr. Kameshwar Kumar (Gp17)

(In Civil Writ Jurisdiction Case No. 2099 of 2021)

For the Petitioner/s : Mr. Parijat Saurav, Adv.

Mr. Apurva Kumar, Adv.

For the Respondent/s : Mr. Lalit Kishore (Ag)

Mr. AC to GA12

(In Civil Writ Jurisdiction Case No. 5321 of 2022)

For the Petitioner/s : Mr. Prashant Sinha, Adv.

For the Respondent/s : Mr. Jitendra Kumar Roy 1 (Sc 13)

Mr. Jay Prabhat Kishore, AC to SC13

(In Civil Writ Jurisdiction Case No. 12490 of 2022)

For the Petitioner/s : Mr. Parijat Saurav, Adv.

For the Respondent/s : Mr. Jitendra Kumar Roy 1 (Sc 13)

Mr. Jay Prabhat Kishore, AC to SC13

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

102 27-07-2026

Heard learned counsel for the parties.

2. The instant writ petition has been filed for the following relief(s):-

(i) For issuance of writ in the nature of mandamus or any other appropriate writ or order or direction upon the respondents to count the service of the petitioners on the post of Middle School (class 6-8) / Secondary (class 9-10) / Senior Secondary (class 11-12) School teachers, from the date of their respective issuance of respective appointment letters / reservation of seats, or from the date from which their respective immediate junior in the merit list have been appointed, and grant consequential benefits including seniority, continuity in service, grade pay, increment and arrears of salary.



(ii) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the part of the order contained in memo no. 894 dated 28.05.2019 issued by the Deputy Secretary, Education Department, Govt of Bihar, Patna by which it has been decided that the service of the persons who have the B.Ed. degree from the Universities of Jammu and Kashmir, shall be counted from 12.04.2017 and not from the date of issuance of appointment letter.

(iii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the State by referring to the order passed by Coordinate Bench in the case of ***Priyamvada vs State of Bihar*** in ***CWJC No.9017 of 2021***, decided on 13.07.2022, submits that the cases of all these petitioners are squarely covered by the judgment rendered in the aforementioned case and by referring to Paragraph No. 18, 19, 20 and 21 submits that appropriate directions may be issued as the impugned decision taken under similar backdrop of facts being order dated 22.07.2019 passed in respect of similarly situated persons, the coordinate Bench has already quashed such orders in the aforementioned case, and directed the respondents to grant all consequential benefits, which are being reproduced



as under:-

“18. In view of above, therefore, it cannot be said that the petitioner was wrongly appointed in the year 2007 and, therefore, her services cannot be set at naught and discounted. She would, therefore, be entitled to her continuity of service from 2007 onward itself for all purposes. A similar view has been taken by the Full Bench in Rama Shankar Patel vs. State of Bihar & Ors. reported in 2019 (3) PLJR (supra) wherein after considering the issue the reference was answered as under:-

“46. In terms of the notification of the General Administration Department as contained in Memo No. 541 dated 11th January, 1991 the Sahityaalankar certificate had got equivalence to the graduation at least prior to 25.08.2008, therefore, those writ petitioners who obtained their Sahityalankar degree from Hindi Vidyapeeth, Deoghar prior to 25.08.2008 would come within the framework of the notification dated 11 th January, 1991 and shall be entitled for consideration for promotion to B.A. (Trained) Scale. By virtue of the notification dated 08.04.2016, the promotions granted between 07.05.2012 and 08.04.2016 have been saved. Further by notification dated 17.04.2017 now even the degree obtained prior to 07.05.2012 and the appointment/promotion granted between 07.05.2012 and 08.04.2016 have been saved. In these circumstances the petitioners no. 4, 7 and 15 shall also be entitled for the benefits because in both cases i.e. notification dated 08.04.2016 and notification dated 17.04.2017 the State respondents cannot contend that while the promotions granted to the persons junior to



the petitioners in the gradation list between 07.05.2012 and 08.04.2016 shall be saved, the petitioners would not be entitled Patna High Court CWJC No.11255 of 2016 dt.22-08-2019 for the same. This would be discriminatory because once equivalence granted to Sahityaalankar degree obtained from Hindi Vidyapeeth, Deoghar prior to 07.05.2012 is saved it will save the petitioners who have their Sahityaalankar degree obtained prior to 07.05.2012. They would be entitled to maintain their position in the seniority list and in case juniors to them have been granted promotion in terms of B.A. (Trained) Scale, these petitioners shall also be entitled for the same from the date their juniors have received the benefit.”

19. *In view of above, the order passed by the State Government dated 28th May, 2019 so far as it directs of not counting service and not treating the salary admissible for existing employees who possess the degree from Jammu & Kashmir University prior to 12.04.2017 is not sustainable in law.*

20. *Having reached to the aforesaid conclusion, the consequential order passed by the respondent Annexure-6 dated 15.03.2021, therefore, cannot be sustained. The petitioner would be entitled for benefit of her entire period of her service form 13th March, 2007, for all purposes including seniority, increments and pay fixation etc.*

21. *Accordingly, the said the petition is allowed. The order dated 22nd July, 2019 passed by the Education Department and the consequential order dated 15th March, 2020 are quashed and set aside with all consequential benefits. It is made clear that this order shall apply to all existing employees who were working prior to the issuing of the notification dated 12th April 2017. The petitioner would accordingly be granted her due benefits. No Costs.*



4. At this stage, counsel Shri Prashant Sinha submits that based on the order passed by Department of Education dated 28.05.2019 and its consequential order dated 22.07.2019 and subsequent order dated 15.03.2020 under similar background, whereby, the State Government had directed not to count the services and not to treat the salary admissible for the existing employees, who possess the degree from Jammu and Kashmir prior to 12.04.2017, which have already been held to unsustainable in law and in order to buttress his submission, has taken this Court to the stand taken by the respondent before Hon'ble Apex Court, by referring to an affidavit filed by the Director Secondary Education, Government of Bihar, wherein, it has specifically been stated that the Government has decided to give benefits to the persons "who are in employment and who have to be employed" and on the basis of the stand taken by the State-respondents, the following order have been passed, as reproduced hereinbelow:-

"An affidavit has been filed on behalf of respondent No. 1 by the Director Secondary Education, Government of Bihar. Paragraphs 2 and 3 of the same are extracted hereunder:

"2. This Hon'ble Court on 11.01.2019 adjourned the matter by a week to enable the State of Bihar to place on record the notifications dated 12.04.2017 in



relation to amendment to the Bihar District Board, Secondary/Higher Secondary Teachers (Employment and Service Condition) Rules, 2006 and the Bihar Municipal Bodies Secondary/High Secondary Teachers (Employment and Service Condition) Rules, 2006 by which the B.Ed. degree awarded from the universities situated in Jammu & Kashmir have been recognized as admissible requisite qualification.

3. Further, the Hon'ble Patna High Court in CWJC No. 7135 of 2013 vide order dated 22.4.2013 had directed the State Government not to fill up the posts of Secondary/Senior Secondary Teachers so far as it relates to the Petitioners and thereafter extended this benefit to all persons similarly situated. Accordingly the State Government has kept 405 seats reserved qua 405 persons who were selected but not appointed in order of merit."

The Government has decided to give the benefits to the persons who are in employment and those who have to be employed."

5. Considering the fact that issues have already been put at rest and the State-respondents have given their commitment to treat all similarly situated persons by providing all consequential benefits, the order dated 28.05.2019 being common in all the cases, is quashed and accordingly, the State-respondents are directed to provide all such consequential benefits to these petitioners, who have been debarred from such benefits on the strength of the impugned order passed, and are



entitled to be considered from the date when other similarly situated persons have been appointed, benefits shall be calculated notionally whereas, actual financial benefits would accrue from the date of their appointment.

6. With the aforesaid observations and directions, the instant writ petition stands allowed.

(Ajit Kumar, J)

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