

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9824 of 2026

1. Vijay Kumar son of Jamun Roy, resident of village - Shivdaha 63, P.O.- Shivdaha Barail, P.S.- Gaighat, District - Muzaffarpur
2. Shaukat Ali @ Shaukat son of Habibur Rahman, resident of village - RamNagar, P.S. - Gaighat, District - Muzaffarpur.
3. Kumod Kumari wife of Vikas Kumar, resident of village - Loma @ Loama, P.S.-Gaighat, District - Muzaffarpur.
4. Sindhu Kumari wife of Manish Kumar, resident of village- Kuber Singh Campus, Lakri Dahi, P.S. Mithanpura, District Muzaffarpur.
5. Heera kumari Daughter of Ravindra Kumar, resident of village Rahimpur, Ward n o.- 2, P.S.- Vaishali, District - Vaishali.
6. Om Prakash Paswan Son of Ram Surat Paswan, resident of village - Salempur, P.O.-Dharhara, Ward no. - 4, P.S.- Lalganj, District - Vaishali.
7. Keshav Devi wife of Dilip Kumar, resident of village- Tengharhi, P.S.- Minapur, District- Muzaffarpur.
8. Taskinul Haque son of Md. Ainul Haque, resident of village - Rahsi, Balthi Rasulpur. P.S.- Bochahan, District - Muzaffarpur.
9. Krishna Kumar son of Jaya Narayan Paswan, resident of village - Dharmahamadpur, Sura, P.S. Gaighat, District - Muzaffarpur.
10. Santosh Kumar Chaupal Son of Ramchandra Chaupal, P.S.- Gaighat, District- Muzaffarpur.
11. Jitendra Kumar son of Kuldeep Sah, resident of village Makrandpur, P.S.- Gaighat, District - Muzaffarpur.
12. Nilam Kumari wife of Bhushan Bihari Prasad, resident of Mohall - Madarpur, Maulanganji, P.S. Darbhanga, District - Darbhanga.
13. Bhushan Bihari Prasad son of Brij Bihari Prasad, resident of Mohalla Madarpur, Maulanganji, P.S. Darbhanga, District - Darbhanga.
14. Anil Kumar son of Ram japo Yadav, resident of village - Patahi, Chhorahi, P.S.-Khodawanpur, District - Begusarai.
15. Chandmani Kumari wife of Dinesh Ray, resident of village - Borbara, P.O. Unsar, P.S.- Sadar, District - Muzaffarpur.
16. Tausif Raza son of Wasi Ahmad, resident of village - B hutane, Chaumukh, P.S. -Sadar, District - Muzaffarpur.
17. Upendra Kumar Sah son of Shivjee Sah, resident of village - Mehasi, Ward no.- 4, P.S.-Town, District - Muzaffarpur.
18. RamBabu Prasad son of Shankar Prasad, resident of village Mahdaiya, P.S. minapur, District- Muzaffarpur.
19. Sangita Kumari, Son of Ajay Kumar Mahto, resident of Mohalla- Ward no.- 10, Near Hanuman Mandir, Saudagar Mohalla, Gullobara, P.S.- Town, District - Darbhanga.
20. Sunil Kumar son of Bhuvaneshwar Mandal, resident of village Patwara, Patpara, P.S. Town, District - Madhubani.



21. Prabhas Kumar son of Ramawatar Das, resident of village Chichri Basant, P.S.- Katra, District - Muzaffarpur.
22. Sanjay Kumar son of Mahaveer Yadav, resident of village - Sikandarpur, Near Prabhat Jarda Factory, P.S.- Town, District Muzaffarpur.
23. Mukesh Ranjan Son of Kamlesh Paswan, resident of village- Halichak, Hafiz Chak, P.S.- Mahua, District - Vaishali.
24. Nidhi Kumari wife of Prithivi Kumar. Resident of village - Mahdaiya, P.S.- Inapur, District - Muzaffarpur.
25. Brajbala Kumari wife of Sunil Kumar, resident of village- Bharat Nagar, P.S.-Ramna, District - Muzaffarpur.
26. Pramod Paswan son of Nageshwar Paswan, resident of village- Brahmpur Pokhar, MIT, P.S. - Brahmpura, District - Muzaffarpur.
27. Sushil Kumar son of Rajendra Paswan, resident of village - Alawalpur, ward no.6, P.S.- Sarai, District- Vaishali.
28. Satish Chandra Koushik son of Chhedi Lal Paswan, resident of village- Bounsi Nagar, Babu Barhi, Ward no. 7, Madhubani, P.S.A. Town, District - Madhubani.
29. Wasim Ahmad son of Sagir Ahmad, resident of village - Balha, P.S.- Bisfi, District -Madhubani.
30. Barun Kumar Son of Ramchandara Thakur, resident of village- Bela Gopi, P.S. Mithanpura, district- Muzaffarpur.
31. Umesh Kumar Paswan son of Suve Paswan, resident of village- Vijaypura, P.O.-Katesar, P.S.- Baligaon, District - Vaishali.
32. Shatrudhan Ray, son of Ram Sevak Ray, resident of village- Susta, P.S.- Gaighat, District - Muzaffarpur.
33. Ranjeet Prasad Yadav, son of village -Khajuri, P.S. Gaighat, District- Muzaffarpur.

... .. 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, Advocate
Ms. Rupa Kumari, Advocate
For the Respondent/s : Mr. Government Pleader (5)
Mr. Dharendra Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 20-07-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Learned counsel for the petitioners is permitted to
make necessary corrections in the writ petition .

3. The writ petition has been filed for the following
reliefs :-

“For issuance of a Writ in the nature of Certiorari for setting aside the order dated 09/05/2025 passed by learned presiding officer State Appellate Authority, education department, Bihar, Patna, by which the learned authority has stay the operation of order dated 16/10/2024 passed in Objection case no.-75/2023 as well as order dated 12/04/2025 passed in Review case no.-01/2024 till final disposal of the Appeal no 147/2025 and such order has passed without hearing any of the respondents and such order has been passed in heist without following the rules of the Act and while passing such order the learned presiding officer of State appellate tribunal failed to consider that order passed in Objection case no. 75/2023 has been by the district Appellate tribunal on point of payment of arrear of salary and for issuance of a writ in the nature of Mandamus



commanding and directing the respondent authorities to pay arrear of salary of the petitioner and others without further delay in pursuance to order passed in CWJC No.-7648/2020 without further delay and further issue a writ of mandamus commanding and directing the respondents to pay interest on the held up salary as per current bank rate of interest and the same should be paid by the respondent authority who is liable for violating earlier order of this Hon'ble court, which has passed in identical case vide CWJC No.-7648/2020 and/or pass any other order/ orders, direction/ directions for which the petitioner is found legally entitled in the facts and circumstances of the case.”

4. Learned counsel for the petitioners submits that pursuant to the order passed by the District Appellate Authority, Education Department, Bihar, Patna, in the Objection Case No.75 of 2023, against which the Block Development Officer is said to have preferred Review Case No. 01 of 2024, which is said to be decided by the District Appellate Authority vide order as contained in Memo No.31 dated 12.04.2025, and accordingly, the petitioners are said to have been appointed on the post of Block Teacher in the month of March and April 2023 and since then they are discharging their duties but still, the salaries have not been paid to them.

5. It has further been submitted that the District Education Officer, Muzaffarpur, and the District Programme Officer, Muzaffarpur, thereafter, filed an Appeal being Appeal



No.147 of 2025. It is the petitioners' case that, without affording them an opportunity of hearing, the State Appellate Authority, vide order dated 09.05.2025, entertained the said appeal filed by the State authorities after nearly 12 years of the appointment process having concluded and much less the select panel having already expired.

6. It has next been submitted that the Appeal preferred before the State Appellate Authority was barred by limitation and that the delay has been condoned without affording an opportunity of hearing to these petitioners. It has also been contended that, upon expiry of the prescribed period of limitation, a valuable right had accrued in favour of these petitioners, which could not have been taken away without complying with the principles of natural justice. However, ignoring the said principles, the State Appellate Authority is said to have entertained the Appeal.

7. Learned counsel further submits that, in similar matters, the Co-ordinate Bench in the case of ***Kumari Rani and Others v. The State of Bihar and Others, C.W.J.C. No.6352 of 2026***, has granted relief by setting aside the orders passed by the State Appellate Authority and, in order to buttress his submission, has relied upon paragraphs 7 to 11 of the judgment,



which are extracted hereunder:-

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, sanction of higher authorities;

(ii) Appointments made without

(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.

8. Considering the fact that the petitioners were not afforded an opportunity of hearing and there being blatant violation of principles of natural justice and valuable rights having accrued to these petitioners for grant of salary on the basis of the order passed in Objection Case No.75 of 2023, which having been stalled against the settled principles of law, accordingly, the order dated 09.05.2025 is set aside. The State Appellate Authority is directed to issue notice to all the affected parties and, after securing their presence and affording them an



opportunity of hearing, shall pass a reasoned order dealing with the response filed by the petitioners, including their plea regarding limitation, and thereafter pass a final order in accordance with law.

9. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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