

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13425 of 2022

1. Parmeshwar Prasad Singh Son of Anandi Charan Singh, Resident of Village- Roshanganj, P.O. and P.S.- Balia Belown, District- Katihar.
2. Mr. Khairuddin, Son of Late Shekh Salimuddin, Resident of Village- Jangepur, P.S. Azamnagar, District- Katihar.
3. Kishore Kumar Sharma, Son of Anandi Sharma, Resident of Village- Daniha, P.S.- Azamnagar, District- Katihar.
4. Izhar Ahmad Ansari, Son of Md. Shafiuddin Ansari, Resident of Village- Maria Sihpur, P.O. and P.S.- Balia Belown, District- Katihar.
5. Md. Maimur Sultan, Son of Abdul Gaffar, Resident of Village- Khureyal, P.O.- Sihpur, P.S.- Azamnagar, District- Katihar.
6. Md. Mojibur Rahman, Son of Sk. Samrul Haque, Resident of Village- Alhauda, P.O.- Beghwa, P.S.- Balia Belown, District- Katihar.
7. Nishat Ahmad Tamkin, Son of Md. Samsul Hoda, Resident of Village and Post- Dhumnagar, P.S.- Azamnagar, District- Katihar.
8. Md. Ahmad Hussain, Son of Md. Sadruddin, Resident of Village- Basantpur, P.O. and P.S.- Salmari, District- Katihar.
9. Md. Khurshid Alam, Son of Md. Hanif, Resident of Village- Baluganj, P.O.- Sadapur, P.S. Balia Belown, Via Sadapur, District- Katihar.
10. Md. Mazharul Haque, Son of Sk Kamruddin, Resident of Village- Sihpur, P.O. and P.S. Balia Belown, District- Katihar.
11. Md. Jahanagir Alam, Son of Md. Noorul Hoda, Resident of Village- Baliganj, P.O.- Sadapur, P.S.- Balia Belown, District- Katihar.
12. Md. Shahid Alam, Son of Shekh Makimuddin, Resident of Village- Baria, P.O.- Siktia, P.S.- Azamnagar, District- Katihar.
13. Md. Abul Kalam, Son of Md. Mabood, Resident of Village- Shishiya, P.O.- Nemol, P.S.- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Araria.
4. The District Programme Officer (Establishment), Katihar.
5. The Staff Selection Commission, through its Secretary Veterinary College, Patna- 14.
6. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna- 14.
7. The District Education Officer, Patna.
8. The District Education Officer, Kishanganj.



9. The District Education Officer, Saharsa, District- Saharsa.
10. The District Education Officer, Madhepura, District- Madhepura.
11. The District Education Officer, Shekhpura.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Qumrul Hoda, Advocate
For the State	:	Mr. Madhukar Mishra, A.C. to S.C.16
For B.S.S.C.	:	Mr. Madanjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

8 02-04-2026 Heard the learned counsel for the petitioners, learned

counsel for the State and the learned counsel appearing on

behalf of B.S.S.C.

2. The present writ petition has been filed for the

following reliefs:

“I) For issuance of an appropriate writ/writs., direction/directions or order in the nature of mandamus commanding and directing the respondents to treat the petitioners appointed along with persons who have been appointed in the year 2012/in Adv. No. 210/2010 issued by respondent Bihar Staff Selection pursuant in the light of order of Hon’ble Supreme Court in SLP No. 1491/2014 and C.W.J.C. No. 17899/2012 for the post of 34540 Assistant teachers and provided then pay protection in pay scale increment and also provide them seniority according to merit list prepared by respondent staff selection commission.

II) Further for a direction to the respondents to grant other consequential benefit (Notionally) treating them to be appointed in 2012 along with other similarly situated persons and



particularly from the date when Junior to the petitioners in merit list had been appointed.

III) Further for a direction to the respondents to grant arrears of salaries etc. of w.e.f. the date when Junior in merit list have been appointed.

In Adv. No. 210/2010 for appointment of 34540 for trained Assistant teacher the Bihar Staff Selection Commission here in referred as to Commission, the petitioners being trained candidates made applications, their candidature were scrutinized and after finding genuine, a merit list was prepared and they were give individual Roll OPID, the other persons were appointed in the year 2012 but these petitioners were left illegally and they were appointed in 2019, vide Memo No. 9858/A dated 07.05.2019.

The appointment was delayed at the behest of respondents who wrongly and without any reason attributable by these petitioners and as such as per law laid down by the Hon'ble Court in C.W.J.C. No. 663/2010, 2011(4) PLJR 766 following the Judgement/Order of Hon'ble Supreme Court 2008(7) Scc. 728 the petitioners are entitled to get all consequential benefits, since the date when Junior in merit list had been appointed.”

3. The learned counsel for the petitioners submits that present matter is squarely covered by the order dated 03.05.2018, passed in C.W.J.C. No.4129 of 2016 (**Ehtesham Anjum & Ors. Vs. The State of Bihar & Ors.**), the order dated 08.12.2025, passed in C.W.J.C. No.15663 of 2022 (**Santosh Kumar & Ors. Vs. State of Bihar & Ors.**) and the order dated



26.03.2026, passed by this Court in C.W.J.C. No.5305 of 2022
(Bhushan Thakur & Ors. Vs. The State of Bihar & Ors.).

4. Having heard the learned counsel for the parties, the present writ petition is allowed exactly in terms of paragraph no.13 of the order dated 26.03.2026, passed in C.W.J.C. No.5305 of 2022, which reads as under:

“13. Accordingly on the basis of the consideration made above, this court is of the view that the petitioners cannot be faulted for the period, their appointment was put on hold. The equity of the situation demands that the petitioners should be granted all the benefits on the basis of initial entry for the purposes of granting seniority, continuity, increment etc including the pensionary benefits. They will not be entitled for any salary for the period 2012 to November 2019, i.e. the date of their respective appointments. The respondent authorities are directed to calculate the entitlement of the petitioners, within a period of three months from the date of receipt/production of a copy of the order. The consequential benefits, as indicated above must be given to the petitioners within the aforementioned period of three months.”

5. The present writ is allowed to the extent indicated



above and the petitioners will not be entitled for their salaries
for the period 2012 till their respective joining.

6. Pending applications, if any, shall also stands
disposed of.

(Ritesh Kumar, J.)

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