

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13868 of 2025

Raju Ranjan Kumar Son of Late Rajendra Singh, Resident of Shramjivi Nagar (Chanakya Vihar) Near Jhil Kirana Store, Bhagwanpur, P.S. Bhagwanpur, District- Muzaffarpur at presently posted as Exclusive Teacher Middle School, Bampur, Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
5. The Bihar School Examination Board, Patna through its Chairman.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Payal Kashyap, Adv. Mr. Rakesh Kumar Shrivastava, Adv.
For the Respondents-State	:	Mr. Santosh Chandra Bhaskar, AC to GP-11
For the respondent (BSEB)	:	Mr. Satyabir Bharti, Sr. Adv. Ms. Aastha Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 15-05-2026 Heard learned counsel for the petitioner, learned counsel for the respondents-State and learned counsel for Bihar School Examination Board.

2. The petitioner in the present writ application has prayed for grant of following reliefs:-

To issue a writ/order/direction in the nature of certiorari for setting aside the Letter has contained (An-10) in Memo No. 2036 dated 21.12.2024 issued under signature of Director Primary Education, Department,



Govt. of Bihar, Patna by which the provisional appointment letters issued to the petitioners has been cancelled and further direction has been given to all the District Education Officer to post exclusive teachers including the petitioners at place/School originally/earlier posted and further prayed for setting wide the letter No:-000956 dated 26-12-2024 (Annexure -9)

(ii) To issue a writ /order/direction in the nature of certiorari for setting aside the provisional appointment letters issued to the extent by which the provision of Amended Rule- 2024 has been wrongly applied in the case of the petitioners.

(iii) To issue a writ/order/direction in the nature of mandamus, directing the respondent authorities to give effect to the earlier provisional appointment letter dated 20.11.2024 and further post the petitioner in the allotted Districts in accordance with the provisions of unamended 2023 rules.

(iv) To issue a writ/order/direction in the nature of mandamus, the respondent directing authorities to issue provisional appointment letter in favour of the petitioner on basis of the merit list and further post the petitioners in the allotted districts in accordance with the provisions of 2023 rules.

(v) To hold and declare that the respondent authorities are duty bound to complete the process of constitution of cadre of exclusive teachers in accordance with Rules called Bihar School Exclusive Teachers Rules, 2023.

(vi) To hold and declare that Bihar State Exclusive Teacher (Amendment) Rule, 2024 is not applicable in relation to the process of constitution of cadre of exclusive teachers which has already been initiated prior



to coming into force of Amendment Rules, 2024.

(vii) To pass ex-parte/ad-interim relief during the pendency of the writ application restraining the respondent authorities from filling the seats in the Schools in the Districts allotted to the petitioners and or directing the respondent authorities to reserve the posts of teachers in the schools for the petitioners in the districts allotted to them.

(viii) To any other relief or reliefs for which the petitioners is found to be entitled in the facts and circumstances of the case.

3. Since the petitioner, in this case, is similarly situated as the petitioners of CWJC No. 6127 of 2025 and the facts, issues involved as well as the reliefs claimed are also similar in nature, therefore, this writ application is being allowed in terms of the judgment and order dated 13-05-2026 delivered in CWJC No. 6127 of 2025.

4. Accordingly, in view of the discussions made in the judgment and order dated 13-05-2026 passed in C. W. J. C. No. 6127 of 2025 and for the reasons recorded therein while answering the issues framed by this court, the present writ application is allowed. Consequently, the order contained in Memo No. 2036 dated 21-12-2024 (Annexure-P/10) issued by the Director, Primary Education, Bihar, Patna whereby the provisional appointment letter issued in favour of the petitioner was cancelled and the petitioner was directed to



continue in his earlier school, is hereby quashed to the extent it applies to the petitioner. Resultantly, the subsequent provisional appointment letter (Annexure-P/9) issued in terms of “Amended Rules of 2024” is also quashed.

5. Further consequential action of the respondents-authorities in giving retrospective effect to the “Amendment Rules of 2024” in respect of the petitioner, despite completion of the selection process under the “Unamended Exclusive Teacher Rules, 2023” is held to be arbitrary and unsustainable in law.

6. The respondents-authorities are accordingly directed to give effect to the selection process undertaken under the “Unamended Exclusive Teachers Rule, 2023” to proceed with the appointment/posting of the petitioner in the district allotted to the petitioner pursuant to the competency test conducted under the unamended statutory schemes. The earlier provisional appointment letter dated 20-11-2024 (Annexure-P/8) issued in favour of the petitioner shall stand restored and acted upon by the concerned authorities.

7. The respondents-authorities are further directed to complete the exercise of allotment of school and consequential posting of the petitioner in his allotted district within a period of



six weeks from the date of receipt/production of copy of this order.

8. Writ petition is accordingly allowed in the aforesaid terms. All pending I.As. if any, shall stand disposed of.

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

(Alok Kumar Sinha, J)

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