

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1122 of 2025

1. Vikash Kumar S/o Late Awadhesh Prasad Singh, Resident of Village- Patel Nagar, Mohanpur, P.O. and P.S. and District- Nalanda. (Application Sl. No.- 621, Merit list Sl. No.-258).
2. Veena Kumari, D/o- Mithilesh Singh, Resident of Village- Mahrogoraiya, P.O.- Sanda, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 10356, Merit list Sl. No.-8015).
3. Rina Kumari, D/o- Bhagat Prasad, Resident of Mohalla- Naisarai, P.O.- Biharsharif, P.S.- Bihar, District- Nalanda. (Application Sl. No.- 8014, Merit list Sl. No.-10355).
4. Amar Kumar, S/o- Rameshwar Paswan, Resident of Village- Bauridih, P.O.- Baurisarai, P.S.- Khudaganj, District- Nalanda. (Application Sl. No.- 14157, Merit list Sl. No.-11260).
5. Jyoti Kumari, D/o- Rajendra Yadav, Resident of Village- Tahbal Bigha, P.O.- Sanda, P.S. Islampur, District- Nalanda. (Application Sl. No.- 8448, Merit list Sl. No.- 6400).
6. Anita Kumari, W/o- Rakesh Kumar, Resident of Village Saroj, P.O.- Bidauli, P.S.- Masauri, District- Patna. (Application Sl. No.- 538, Merit list Sl. No.- 222).
7. Nirkala Kumari, D/o- Krishna Prasad, Resident of Village- Gwaspur, P.O.- Khirouti, P.S.- Parawalpur, District- Nalanda. (Application Sl. No.- 11031, Merit list Sl. No.- 8599).
8. Rajiv Kumar, S/o- Bhagwat Singh, Resident of Village- Gulab Nagar, P.O.- Atma, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 4655, Merit list Sl. No.- 3252).
9. Ashok Kumar, S/o- Budhdeo Prasad, Resident of Village- Mahrogoraiya, P.O.- Sanda, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 9929, Merit list Sl. No.- 7643).
10. Sunita Sinha, D/o- Mahendra Prasad, Resident of Village Mozaffra, P.O.- Bardih, P.S.- Islampur, District- Nalanda, (Application Sl. No.- 855, Merit list Sl. No.- 419).
11. Vinay Kumar, S/o- Devendra Prasad Singh, Resident of Village- Nisanpura, P.O.- Narayanpur, P.S. Ekangarsarai, District- Nalanda. (Application Sl. No.- 15240, Merit list Sl. No.- 12266).
12. Niranjana Kumar, S/o- Kapil Prasad, Resident of Mohalla- Satyarganj, P.O. and P.S.- Islampur, District- Nalanda. (Application Sl. No.- 15241, Merit list Sl. No.- 12267).
13. Sarika Kumari, W/o- Pankaj Kumar, Resident of Mohalla- Malik Sarai, P.O. and P.S.- Islampur, District- Nalanda. (Application Sl. No.- 1820, Merit list Sl. No.- 1087).
14. Tarunshish, S/o- Ramashish Kumar, Resident of Village Herthu, P.O.- Khudaganj, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 550, Merit list Sl. No.- 229).
15. Abhishek, S/o- Arvind Kumar, Resident of Village- Daman Khandha, P.O.



- and P.S. and District- Nalanda. (Application Sl. No.- 452, Merit list Sl. No.- 165).
16. Om Prakash, S/o- Pyare Mistri, Resident of Village- Mahuvari Milki, P.O.- Murgaon, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 4658, Merit list Sl. No.- 3255).
 17. Mrityunjay Kumar, S/o- Muneshwar Prasad, Resident of Village- Gudru, P.O.- Sanda, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 9470, Merit list Sl. No.- 7273).
 18. Mamata Kumari, D/o- Kishori Prasad, Resident of Village and P.O.- Aungari, P.S.- Ekangarsarai, District- Nalanda. (Application Sl. No.- 15245, Merit list Sl. No.- 12271).
 19. Kundan Kumar, S/o- Gopal Prasad, Resident of Mohalla Satyarganj, P.O and P.S.- Islampur, District- Nalanda. (Application Sl. No.- 489, Merit list Sl. No.- 190).
 20. Kumari Punam @ Punam Kumari, W/o- Bipin Kumar, Resident of Village- Nona, P.O. and P.S. and District- Nalanda. (Application Sl. No.- 464, Merit list Sl. No.- 173).
 21. Sunita Kumari, D/o- Birendra Prasad, Resident of Village- Sherpur, P.O.- Daruara, P.S.- Noorsarai, District- Nalanda. (Application Sl. No.- 3824, Merit list Sl. No.-2562).
 22. Pinki Kumari, D/o- Indardeo Singh, Resident of Village- Dhamauli, P.O.- Margaon, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 747, Merit list Sl. No.- 339).
 23. Aarti Kumari, W/o- Brajesh Kumar Sinha, Resident of Village and P.O.- Jagai, P.S.- Ekangarsarai, District- Nalanda. (Application Sl. No.- 11474, Merit list Sl. No.- 8981).
 24. Kumari Nirma, D/o- Mohan Prasad, Resident of Mohalla- Dangi Tola, P.O. and P.S.- Rajgir, District- Nalanda. (Application Sl. No. 876, Merit list Sl. No.-431).
 25. Pranita Kumari, W/o- Ram Pravesh Kumar, Resident of Village- Tarapur, P.O. and P.S.- Ekangarsarai, District- Nalanda. (Application Si. No.- 11048, Merit list Sl. No.- 8612).
 26. Indu, W/o- Dinesh Kumar, Resident of Mohalla- Devariya, P.O.- Jehanabad Court, P.S. and District- Jehanabad. (Application Sl. No.- 824, Merit list Sl. No.- 395).
 27. Md. Afroz Alam, S/o- Md. Halim Uddin, Resident of Mohalla- Gajasarai, P.O. and P.S.- Islampur, District- Nalanda. (Application Sl. No.- 575, Merit list Sl. No.- 244).
 28. Uday Kumar, S/o- Rampravesh, Resident of Village- Mahadeo Bigha, P.O.- Chandhari, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 15242, Merit list Sl. No.- 12268).
 29. Juli Jyoti Sinha, D/o- Upendra Prasad, Resident of Village and P.O.- Bardih, P.S.- Islampur, District- Nalanda. (Application Sl. No. 9225. Merit list Sl. No.- 7064).
 30. Vinita Kumari, W/o- Ashiwini Kumar, Resident of Village and P.O.- Badai, P.S.- Islampur, District- Nalanda. (Application Sl. No. 11410, Merit list Sl.



No.- 8927).

31. Shambhu Pandey, S/o- Surendra Pandey, Resident of Village Lohadi, P.O.- Sohsarai, P.S.- Noorsarai, District- Nalanda. (Application Sl. No.- 14019, Merit list Sl. No.- 11155).
32. Anita Kumari, D/o- Surendra Prasad, Resident of Mohalla- Chhoti Bazar Mogalpura, P.O.- Jhauganj, P.S.- Khajekalan, District- Patna. (Application Sl. No.- 11413, Merit list Sl. No.- 8930).
33. Vinay Kumar, S/o- Kamta Prasad, Resident of Village- Janakpur, P.O.- Mahmuda, Khodaganj, P.S. Islampur, District- Nalanda. (Application Sl. No.- 3440, Merit list Sl. No.- 2269).
34. Sulekha Kumari, W/o- Rajiv Ranjan Kumar, Resident of Village- Chandapur, PO.- Khushalpur, P.S.- Telhara, District- Nalanda. (Application Sl. No.- 10609, Merit list Sl. No.- 9100).
35. Nazanin, W/o- Md. Erfan Alam, Resident of Mohalia- Rana Pratap Nagar, P.O. and P.S.- Islampur, District- Nalanda. (Application Sl. No.- 864, Merit list Sl. No.- 425).
36. Ladli Khatoon, D/o- Md. Akhtar Alam, Resident of Mohalla- Satayarganj, P.O. and P.S.- Islampur, District- Nalanda. (Application Sl. No.- 11029, Merit list Sl. No.- 8597).
37. Rinku Kumari, D/o- Naresh Prasad, Resident of Village and P.O. Sohsarai, P.S.- Biharsharif, District- Nalanda. (Application Sl. No. 632, Merit list Sl. No.- 265).
38. Mukesh Kumar, S/o- Vishnu Dev Paswan, Resident of Village- Chamhera, P.O.- Oriyawan, P.S.- Ekangarsarai, District- Nalanda. (Application Sl. No.- 9362, Merit list Sl. No.- 7179).
39. Viswajeet Paswan, S/o- Dukhan Paswan, Resident of Village and P.O.- Chhatiyana, P.S.- Harnaut, District- Nalanda. (Application Sl. No.- 440, Merit list Sl. No. 157).
40. Kumari Rekha, W/o- Bhartendu Kumar, Resident of Village- Taraura, P.O.- Pir Badhauna, P.S.- Daniyawan, District- Patna. (Application Sl. No.- 410, Merit list Sl. No.- 147).
41. Manish Kumar, S/o- Basudeo Chaudhari, Resident of Village- Irki, P.O. and P.S. and District- Jehanabad. (Application Sl. No.- 15243, Merit list Sl. No.- 12269).
42. Shiv Shankar Chaudhari, S/o- Baiju Chaudhari, Resident of Village- Nawabganj, P.O.- Chhariyari, P.S.- Makhdumpur, District- Jehanabad. (Application Sl. No.- 12270, Merit list Sl. No.- 15244).
43. Md. Shamim Haidar, S/o- Md. Hasnain Haidar, Resident of Village- Sidhari, P.O.- Sidhari, P.S.- Islampur, District- Nalanda. (Application Sl. No.- 11009, Merit list Sl. No.- 8581).

... .. Petitioner/s

Versus

1. The State of Bihar through its The Additional Chief Secretary cum The Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary cum The Principal Secretary, Education



Department, Government of Bihar, Patna.

3. The Director, Primary Education, Bihar, Patna.
4. The Joint Secretary, Education Department, Bihar, Patna.
5. The District Magistrate, Nalanda.
6. The District Education Officer, Nalanda.
7. The District Programme Officer (Establishment), Nalanda.
8. The Block Development Officer, Islampur, District- Nalanda.
9. The Block Education Officer, Islampur, District- Nalanda.
10. The Executive Officer-cum-Block Panchayat Raj Officer, Islampur, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.
For the Respondent/s : Mr. Standing Counsel (15)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-01-2026

Heard the parties.

2. The petitioners have approached this Court seeking compliance of the order dated 02.09.2011 and consequential order dated 09.12.2015 which came to be passed by the learned District Appellate Authority, Nalanda, Bihar Sharif with respect to selection of the petitioners on the post of teachers in Primary as well as Middle School in the District of Nalanda.

3. Learned Advocate for the petitioners submitted that despite all the formalities of the counseling having been done by the authorities when no final decision was taken with respect to the selection of the petitioner, they approached before the learned District Appellate Authority. The Appellate authority on being



satisfied with the case of the petitioners vide order dated 02.09.2011 directed the respondents to take further action according to rules and regulations. Notwithstanding the order afore-noted, when no action was taken, the petitioner again moved before the District Appellate Authority for non-compliance of the order dated 02.09.2011. The District Appellate Authority accordingly passed the order on 09.12.2015, directing the District Education Officer to complete the process of selection.

4. Taking this Court through the afore-noted orders, it is further contended that irrespective of the order of the District Appellate Authority, the respondent employment unit has not proceeded further and completed the process of appointment, which compelled the petitioner to again approach before the learned District Appellate Authority. On 19.10.2024 the Appellate Authority also imposed a fine of Rs. 25,000/- under the provision of the Bihar State School Teachers and Employees Grievance Redressal Rules, 2020, especially in terms with Rule 16(2).

5. A counter affidavit has been filed on behalf of the State Authorities and in sum and substance, it is submitted that in pursuance to the direction of the District Appellate Authority,



a meeting of the Block Teacher Employment Committee was held on 21.12.2015 in which final merit list of the candidates prepared and counseling was approved and decided to distribute appointment letters amongst selected candidates as per the vacancies and following the Roster serial and Roster point, but for the reasons best known to the Block Teacher Employment Committee, the appointment letters could not be distributed. Again when the matter has been brought to the knowledge of the District Teachers Appellate Tribunal, the meeting was convened by the Block Teachers Employment Committee on 27.06.2024, in which it is pointed out that due to Parliamentary Election, 2024 and existing model code of conduct delay has been caused. In course of discussion it has also been pointed out that as per guidelines enumerated in Clause 19(1) of Notification No. 11/rules 01-02.2023 743/ 9, dated 10.04.2023 issued by the Education Department, no further appointment would be undertaken after issuance of the said notification. In view of the above circumstances, the authorities also sought a guidelines from the District Education Officer.

6. On account of subsequent development and coming into force of the subsequent rules, the appointment of the petitioners could not be made till date.



7. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the order of the District Appellate Authority was passed way back in the year 2011 and subsequently in the year 2015, when the earlier order has not been complied. This is nothing but sheer laches on the part of the employment unit and in the meantime, subsequent development has taken place due to coming into force of new rules, specially Rules, 2023, for that the petitioners cannot be made to suffer. It is also the admitted position that till date the order of the District Appellate Authority has neither been questioned before any of the appropriate forum or appellate authority nor modified on account of subsequent development. In such circumstances, the authorities are required to take a final decision. The fate of the petitioners cannot be kept in lurch.

8. In view thereof, this Court directs the Director, Primary Education, Bihar, Patna to look into the matter and take a final decision with respect to the selection/appointment of the petitioner in view of the order passed by the District Appellate Authority. It is expected that final decision must be taken preferably within a period of 12 weeks' from the date of receipt/production of a copy of this order.



9. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2026
Transmission Date	NA

