

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.318 of 2026

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Manik Chand Ram S/o Sukhari Ram, Resident of Takiya, Bhavanipur,
Badhaiyabagh, P.S. Sasaram, Dist- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, H.R.D., Govt. of Bihar.
3. The Director (Primary Education) H.R.D., Govt. of Bihar.
4. The District Magistrate, Kaimur.
5. The District Education Officer, Kaimur.
6. The District Program Officer, (Establishment), Dist Kaimur.
7. The Block Education Officer, Bhagwanpur, Dist Kaimur.
8. The Headmaster Upgraded Middle School Pihara, Block Bhagwanpur, Dist Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey, Adv.
For the Respondent/s : Mr.Government Pleader (07)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 12-01-2026 Heard learned counsel for the parties.

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

“1. That the present writ application is being preferred for
i. For issuance of direction, order or writ in the
nature of Mandamus, or any other appropriate
writ/writs, order/orders, direction/directions,
commanding the respondents to pay arrear of salary
from the month of February 2012 to February 2024,
periods the respondent authority has restrained to the
petitioner to perform his duty on the post of Assistant
Teacher as the petitioner was appointed wide order



dated 16.02.2012 on the post of Regular Assistant Teacher (Trained) 34540 Grade, after followed due procedure and selection and also on the recommendations of Hon'ble Apex Court in Pay Scale of Rs. 4200/- Band P-2 Grade and latter on wrongly terminated to the petitioner vide letter dated 26.5.2012 and after long litigation the respondent has reinstated to the petitioner vide letter dated 02.02.2024.

ii. To issue a direction, order, or writ upon the respondents to grant all subsequent benefit to the petitioner who has been reinstated the service of petitioner from the date of her termination on the post of Assistant Teacher (Trained)34540 grade, as similarly situated persons have already been granted the same benefit in light of judgment rendered in L.P.A. No. 1254 of 2016, and analogous matter, L.P.A. No. 1309 of 2017 and L.P.A No. 1310 of 2017.

iii. and for the other necessary relief/reliefs to the basis of the facts and circumstances of the case as enumerated and stated hereinafter.”

3. Learned counsel for the petitioner submits that the appointment of the petitioner was made pursuant to the advertisement issued by the Bihar Staff Selection Commission and after assessing his eligibility and qualification for the post, the appointment on the post of Assistant Teacher (Trained) as against 34,540 vacant posts is said to have been made and in compliance of the directions of the Hon'ble Apex Court passed in Contempt Petition No. 297 of 2007 and a Committee constituted by Hon'ble Mr. Justice S.K. Chattopadhyaya for



scrutinizing the candidature of the similarly situated persons including the petitioner, a merit list was prepared and, on approval being made by the Hon'ble Apex Court, the name of the petitioner having figured in the merit list as per reservation roaster and the petitioner having been found to be qualified, his appointment was directed by issuing appointment letter and accordingly, joined in Up-graded middle school, Bihara, Block Bhagwanpur in Kaimur district.

4. While the petitioner was continuing to discharge his duty with full devotion and satisfaction, to his utter surprise, the District Education Officer vide Memo No. 1725 dated 26.05.2012 cancelled his appointment by interfering with the order passed by the Hon'ble Apex Court wherein the directions were issued to the authority not to disturb their appointment and still, for no obvious reasons, the appointment of the petitioner along with the others were cancelled, which issues have been dealt with by the Co-ordinate Bench of this Court as well as the Hon'ble Division Bench in LPA No. 1254 of 2016 and other analogous matters, LPA No. 1309 of 2017 and LPA No. 1310 of 2017 wherein, the Hon'ble Division Bench of this Court vide common judgment dated 28.08.2023 passed in LPA No. 1254 of 2016 and another analogous cases passed following order,



which is extracted herein below:-

----- “14. We are of the opinion that the said directions cannot be sustained especially looking at the order of the Hon’ble Supreme Court passed on 18.07.2013, which categorically declared that those persons who are appointed in the 34540 vacancies shall not be disturbed. We only notice that the petitioners herein were not parties in the said batch of writ petitions. Hence they cannot be denied of the benefit of the order of the Hon’ble Supreme Court which was passed on 18.07.2013, which is binding on the State of Bihar.

15. We further notice the judgment of a Division Bench of this Court produced as Annexure B, along with the counter affidavit filed by respondent no. 4 in CWJC No. 6753 of 2013. The Division Bench after noticing the order of the Hon’ble Supreme Court dismissed the writ petitions claiming selection to the balance vacancies other than those filled up from 34540 posts. In fact, the Hon’ble Supreme Court has also noticed in the order dated 18.07.2013 that 2413 posts out of the 34540 posts were still left to be filled up. The direction by the Division Bench in LPA No. 1491 of 2014 and the analogous cases were to the effect that the Committee shall consider the case of the petitioners therein, in accordance with the procedure that was followed in the selection of 32127 teachers on the previous occasion. We are not concerned with the directions in LPA No. 1491 of 2014 which are with respect to the persons who were denied appointment as per the selection earlier conducted by the State of Bihar on the supervision of Justice Chattopadhyay.

16. We are of the definite opinion that in the present case where all the party-respondents were appointed as per the directions of the Hon’ble Supreme Court, under the supervision of Justice Chattopadhyay, cannot be terminated



on grounds of qualifications not having been properly verified; unless otherwise permitted by the Hon'ble Supreme Court. The party respondents were appointed after their eligibility being settled by Justice Chattopadhyay, appointed by the Hon'ble Supreme Court, to oversee the selection and appointment of teachers to the vacant posts, identified as available, as per the undertaking made by the State before the Hon'ble Supreme Court. Though the verification of credentials and qualifications of the candidates were directed to be done, there could be no such verification at this late stage. As noticed by the learned Single Judge in the impugned judgment the State ought to have been more vigilant when the appointments were carried out.

17. We hence find no merit in the appeals filed by the State and dismiss the same."

5. It has next been submitted that in compliance of the directions of the Co-ordinate Bench dated 25.09.2023 passed in CWJC No. 20429 of 2019 as well as the observation/direction of Division Bench rendered in LPA No. 1254 of 2016, the petitioner was reinstated in service vide order dated 02.02.2024 contained in Memo No. 240 but, the salary for the period during which the petitioner remained out of service has not been paid, despite there being categorical directions issued in this regard.

6. Learned counsel for the petitioner has taken this Court to Annexure P/3, which is passed in the case of Munilal Ram Vs. The State of Bihar & Ors. (CWJC No. 20429 of 2019) wherein it has been directed that if the similarly situated persons



have been allowed benefits of salary for the period, the person similar to this petitioner had also remained out of service, should also be treated at par with them and, accordingly, the petitioner is also entitled to payment of salary for the period he remained out of service.

7. Keeping in row the judgment rendered on the subject in issue, this Court directs the authorities to consider the case of the petitioner at par with those similarly situated persons in whose favour the salary for the period they remained out of service have been allowed vide office order as contained in Memo No. 214 dated 10.01.2024.

8. At this stage, learned counsel for the State submits that the respondents may be directed to examine the similarity before adjudicating and granting benefits to the petitioner at par with those whose names find place in the office order dated 10.01.2024.

9. Considering the submissions so made by the learned counsel for the State, this Court finds it appropriate to direct the District Education Officer, Kaimur to examine the case of this petitioner to that of the similarly situated teachers, in whose favour the benefits of salary has been allowed vide Annexure-5 dated 10.01.2024 and, in case, on adjudication it is



found that the case of the petitioner is similar to those in whose favour salaries have been allowed, the similar benefits shall also be extended to the petitioner within a period of eight weeks from the date of such representation.

10. With the aforesaid observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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