

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.685 of 2021
In
Civil Writ Jurisdiction Case No.3846 of 2017

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1. Arun Kumar S/o Gangapati Malik R/o Village- Mithiyadih, Mahavir Nagar, P.O.P.S.- Motihari, District- East Champaran.
 2. Rakesh Kumar S/o Kaushal Kishore Prasad R/o Bajitpur Quilaghat, P.O.- Subhankarpur, P.S.- Laheriasarai, District- Darbhanga.
 3. Ranjit Kumar S/o Braj Nandan Patel R/o Village- Basauli, P.O.- Bishunpur Titidha, P.S.- Rajapakar, District- Vaishali.
 4. Amrendra Kumar Karna S/o Sri Baldeo Lal R/o Village- Rustanpur, P.O.- Hayaghat, P.S.- Hayaghat, District- Darbhanga.
 5. Ajay Kumar Prabhat S/o Late Sidheshwar Grain R/o Village- Sheonagar, P.O.- Habibpur, P.S.- Parwalpur, District- Nalanda.
 6. Gulabchand S/o Sri Mudrika Prasad R/o Village- Shahpur, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
 7. Rajesh Kumar Singh S/o Shyamdeo Singh R/o Village P.O. P.S- Darihat, District- Rohtas.
 8. Dr. Prabha Kumari W/o Sri Jitendra Kumar singh R/o Village P.O.- Khajuri, P.S.- Naubatpur, District- Patna.
 9. Shrikant Prasad S/o Kapildeo Prasad R/o Village P.O. - Bardeeh, P.S. - Islampur, District- Nalanda.
 10. Umesh Mahto S/o Ramdeo Mahto R/o Village- Bista, P.O.- Mushahamiya, P.S.- Sonbarsa, District- Sitamarhi.
 11. Md. Jameel Akhtar S/o Md. Nizamuddin R/o Village- Gangapur, P.O.P.S.- Kurtha, District- Arwal.
 12. Suresh Sharma S/o Late Ganauri Sharma R/o Village P.O.- Noawan, P.S.- Shakurabad, District- Jehanabad.
 13. Dr. Manoj Kumar Vidyarthi S/o Sri Akhileshwar Sharma R/o Village P.O.- Noawan, P.S.- Sakurabad, District- Jehanabad.
 14. Md. Nazir Hayat S/o Md. Zubair Alam R/o Village - Mainpur, P.O. - Kujri, P.S. - Palasi, District -Araria.
 15. Akhilesh Kumar S/o Sri Babua Nand Sinha r/o Village - Niraza Nagar Ratanpur, P.O. and P.S. District- Begusarai.

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Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Human Resources Development Department (Education Department New Secretariat), Govt. of Bihar, Patna.
4. Director, Research and Training, Education Department, New Secretariat, Govt. of Bihar, Patna.
5. Director, (Administration) cum - Special Secretary, Education Department,

New Secretariat, Govt. of Bihar, Patna.

6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15 Neelkant Nagar, Nayapatti, Bhubaneswar (Odissa).
7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Govt. of India, Plot No. 15A, Sector - 7, Dwarka, New Delhi.
8. Bihar Public Service Commission through the Chairman, 15 Jawaharlal Nehru Marg, Patna.
9. Joint Secretary - cum- Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna.
10. Shyamanand Azad S/o Late Hari Nandan Sinha R/o Village P.S.- Sakatpur, P.O.- Pokharbhinda, District- Darbhanga, Presently posted College of Teacher Education, Samastipur.
11. Birendra Kumar Mishra S/o Raghab Saran Mishra R/o Village- Pajoudha, P.S.- Daraunda, District- Siwan.
12. Janki Raman S/o Sri Sidheshwar Sah R/o Gorigama, P.O. - Mannanpur Morsand, P.S. Runnisaidpur, District- Sitamarhi.
13. Binod Kumar Gupta S/o Rameshwar Pd. Gupta R/o Satghra Rajnagar, Gandhi Chowk, Po PS - Rajnagar, District- Madhubani.
14. Brahmchari Ajay Kumar S/o Sri Rameshwar Singh R/o Satghra Rajnagar, Gandhi Chowk, PO PS- Rajnagar, District- Madhubani.
15. Shyam Kishore Poddar S/o Late Ayodhya Poddar R/o Village Navratan Hata, Purnia, P.O. - Purnia, P.S. - Shajanchihat, District- Purnia.
16. Amresh Kumar S/o Late Murlidhar Thakur R/o Village- Eastern Tola Bangon, PO Ps- Bangaon, District- Saharsa.
17. Md. Bashir Hassan Manzer S/o Md. Shabbir Hassan Manzer At Benta, P.O. - D.M.C. Campus, P.S. - Laheriasarai, District- Darbhanga.
18. Basant Kumar Choudhary S/o Late Balmukund Choudhary R/o Village Kherajpur East, P.O. - Kherajpur, P.S. - Bahadurpur, District- Darbhanga.
19. Sanjay Kumar S/o Gangapati Mallik R/o village - Mithiyadih, Mahavir Nagar, P.O. - Motihari, P.S. Chatauni, District- East Champaran.
20. Md. Shabbir Hussain S/o Late Md. Muslehudduin R/o Village P.O. - Parsauni, P.S. - Bisfi, District- Madhubani.
21. Dinbandhu S/o Suryadeo Sah R/o Village P.O.- Jogwana Bazar, P.S.- Bathnaha, District- Samastipur.
22. Daya Ram Yadav S/o Late Rajendra Prasad Yadav R/o Village P.O.- Koylasthan, P.S.- Keoti, District- Darbhanga.
23. Arjum Wasis S/o Md. Nazim R/o Village- Maniyarpur, P.O.P.S.- Warisnagar, District- Samastipur.
24. Gangesh Kumar Jha S/o Sri Ramakant Jha R/o Village- Tatuvar East Tola, P.S.- Manigachhi, District- Darbhanga.
25. Shatrughna Mehta S/o Late Ramlakhan Mehta R/o Village- Harisnsari, P.O.P.S.- Shalkhua, District- Saharsa.
26. Yamuna Prasad S/o Murli Prasad R/o Village P.O. - Tilauthu, District

Rohtas.

27. Md. Shahnawaz Rizvi Md. Azizul Hakim R/o Asanadpur, P.O. - Bhagalpur City, P.S. - Bhagalpur University, District- Bhagalpur.
28. Arun Kumar Upadhyay S/o Late Ram Pravesg Upadhyay R/o Village- Maudihan, P.O.- Barawan Kala, P.S.- Darihat, District- Rohtas.
29. Dr. Isam Lal Karharia, S/o Upendra Prasad Singh R/o Upanu villa, Sitla Sthan Road, P.O. P.S. - Isak Chak Gumti No. 12, District- Bhagalpur.
30. Dr. Rakesh Kumar Parimal S/o Late Kishun Prasad Singh R/o Village P.O. - Pararia, P.S. - Shambhuganj, District- Banka.
31. Vinod Kumar S/o Shri Anandi Sinha R/o Village - P.O. - Pararia, P.S. - Shambhuganj, District- Banka.
32. Rajdeo Kumar S/o Keshav Kumar Singh R/o Village P.O. - Karharia, P.S. - Barh, District- Bhagalpur.
33. Chandra Shekhar Kumar S/o Shri Ram Pravesch Prasad R/o Village Mogalkuan, POPS - Sahsarai, District- Nalanda.
34. Prasoon Kumar S/o Late Anirudh Prasad R/o Kathal Tola, near Shiv Mandir, POPS- Sohsarai, District- Nalanda.
35. Sanjiv Kumar S/o Late Madan Mohan Lal R/o Village P.O. - Durgapur, P.S. - Giriyak, District- Nalanda.
36. Krishna Kumar S/o Sri Yogendra Prasad R/o Village - Bari Pahari, Near State Bank of India, P.O. Sohsarai, P.S. - Laheri, District- Nawada.
37. Rajesh Kumar S/o Yogendra Kumar R/o Janki Bhawan, Teacher Colony, Bus Stand, Rajgir, District- Nalanda.
38. Upendra Baitha S/o Sri Dashrath Baitha R/o Village P.O. - Gariba, P.S. - Kalyanpur, District- East Champaran.
39. Sanjay Kumar S/o Harish Chandra Thakur R/o Village - Brahampur, P.O. - Ratanpur, P.S. Kamtaul, District- Darbhanga.
40. Arvind Kumar Mishra S/o Sri Abhiram Mishra R/o village - Champa, P.O. - Dihtol Paijuar, P.S. - Arer, District- Madhubani.
41. Prem Ranjan Upadhyay S/o Shri Dhirendra Upadhyay R/o Mohalla - JKs/ D61, Old Jakkanpur, POPS- Jakkanpur, District- Patna.
42. Diwakar Sharma S/o Sri Lal Babu Sharma R/o Village - Ataulhampur, POPS Lalganj, District- Vaishali.
43. Arun Kumar S/o Late Sant Sharan R/o Mohalla - New Area, Nawada, P.O.P.S. District- Nawada.
44. Bimal Kumar S/o Sri Lakhan Sao, R/o Renu Niwas Panchawati Nagarat POPS- Rajgir, District Nalanda. Patna High Court CWJC No. 3846 of 2017 dt. 01.10.2021 3/28
45. Suresh Prasad S/o Late Tilak Sao R/o Village - Prasad Bigha, Nawada, P.O. P.S. District- Nawada.
46. Manoj Kumar S/o Sri Kishna Bihari Prasad R/o Village P.O. - Bindawalia, P.S. - Kuchalkote, District- Gopalganj.
47. Md. Khushnood Ahasn Raaz S/o Md. Ayub Ansari Ansari R/o Mohalla -

Shekhana Kalan, P.O. P.S. - Biharsharif, District- Nalanda.

48. Vinod Kumar Pal S/o Ram Chandra Mahto R/o Village P.O.- Shivnar, P.S.- Mokama, District- Patna.
49. Dr. Ravindra Kumar S/o Late Bundi Paswan R/o Village- Sonsa, P.O.- Sihin, P.S.- Hisua, District- Nawada.
50. Dr. Rani Kumari C/o Deepak Kumar R/o Jetharia House Rajendra Nagar Road No. 2, P.O. P.S. - Kadamkuan, District- Patna.
51. Dinesh Prasad S/o Ratan Lal Prasad R/o Village - Palgaura, P.O. - Ahiyapur, P.S. - Shebganj, District- Muzaffarpur.
52. Murari Kant Prasad S/o Ramkeshwar Prasad R/o Village - Mana, P.O. - Bangpur, P.S. - Parwalpur, District- Nalanda.
53. Prakash Mohan Singh S/o Late Raghubansh Prasad Singh R/o Village P.O. - Dhabouli, P.S. - Sourbazar, District- Saharsa.
54. Dr. Rajeev Kumar Singh S/o Pradyumna Narayan Singh R/o Village P.O. - Sardiha, P.S. - Bakhtiarpur, District- Saharsa.
55. Sahjanand Kumar S/o Sri Lalitesh Kumar R/o Mohalla - New Adarsh Colony, Near NRL Petrol Pump, P.O. - Bahadurpur House Colony, P.S. - Agamkuna, District- Patna.
56. Harendra Singh S/o Late Yadav Singh R/o Village P.O. P.S. - Garhani, District- Bhojpur.
57. Neelmani Kumar Pathak S/o Late Rameshwar Nath Pathak R/o Mahavir Sthan, Maulabagh, P.O. - Ara, P.S. - Town Ara, District- Bhojpur.
58. Deepak Sawarkar S/o Sri Ram Balak Poddar R/o Chitragupa Ngar, Pokharia, P.O.- Begusarai, P.S.- Begusarai Sadar, District- Begusarai.
59. Dinesh Kumar S/o Suryadeo Sah R/o Village P.O.- Yogiwana Bazar, P.S.- Bathnaha, District- Sitamarhi.
60. Dr. Raj Kishore Singh S/o Nag Narayan Singh R/o Village- Ekari, P.O.P.S.- Ekma, District- Chapra.
61. Ranjit Panjiyara S/o Basudeo Panjiyara R/o Village P.O.- Dadri Jala, P.S.- Sangrampur, District- Munger.
62. Somesh Kumar S/o Ram Swaroop Singh R/o Village- Basan Bigha, P.O.- Ushari, P.S.- Karpi, District- Arwal.
63. Sanjeev Kumar S/o Tileshwar Kumar R/o Village- Dumri West Tola, P.O.- Dumri, P.S.- Simri, District- Buxar.
64. Dr. Thakur Sanjai Singh Tomar S/o Bhuvneshwar Prasad Singh R/o Village P.O.- Mahinath Nagar, P.S.- Beldour, District- Khagaria.
65. Sanjay Kumar S/o Sri Sant Kumar Yadav R/o Village- Maheshpur, P.O.- Samda, P.S.- Sour Bazar, District- Saharsa.
66. Anil Kumar Singh S/o Sri Surendra Narayan Singh R/o Village P.O.- Sukhpur, P.S.District- Supaul.
67. Gajendra Kumar S/o Sri Jainarayan Sah R/o Village- Mahisarho, P.O.- Sarouni, P.S.- Mahishi, District- Saharsa.
68. Nagendra Kumar S/o Saryoo Prasad R/o Village- Rustam Chak, P.O.-

- Gayani Bigha, P.S.- Shakurabad, District- Jehanabad.
69. Binod Kumar Singh S/o Mahadeo Singh R/o Village- Mander, P.O.- Mirzapur, P.S.- Nabinagar, District- Aurangabad.
70. Naiyer Iqbal S/o Izhar Imam R/o Village- Abgila, P.O.- Buniyaganj, P.S.- Mofassil, District- Gaya.
71. Dr. Manoj Kumar Verma S/o Jagdeo Prasad R/o Village - Jaynagar Basti Fardahi Tola, P.O. P.S. - Jaynagar, District- Madhubani.
72. Anil Kumar Gupta S/o Sri Radhe Shyam Prasad R/o Purani Bazar Ward No.11, Near Ranisati Mandir, P.O.P.S.District- Sitamarhi.
73. Ram Sagar Yadav S/o Sri Amirchand Chaudhary R/o Flat No.202, Block-B/2 Narayan Shree Apartment Sheikhpura, B.V. College, P.S.- Shastri Nagar, District- Patna.
74. Gaytree Kumari W/o Mithilesh Kumar Sinha R/o Village P.O. - Rasisa, P.S. - Ekangarsarai, District Nalanda.
75. Ravi Shankar Prasad S/o Bhagwat Prasad R/o Village - Sadar Chowk, P.O. P.S. - Dehri- on- sone, District- Rohtas.
76. Sunil Kumar Tanti S/o Saryug Tanti R/o Village- Meyar, P.O.- Kaiy Meyar, P.S.- Noorsarai, District- Nalanda.
77. Abhay Kumar Singh S/o Late Bhaleshwar Prasad Singh R/o Jagdishpur, P.O.P.S. - Jandaha, District- Vaishali.
78. Md. Shekeel Akhtar S/o Md. Nizamuddin R/o Village - Gangapur, P.S. - Kurtha, District- Arwal.
79. Shamimur Rahman S/o Tazrul Rahman R/o Village - Bhagauta, P.O. - Luxmigunj, P.S. - Goriakothi, District- Siwan.
80. Gorakh Nath Yadav S/o Late Balrup Prasad Yadav R/o Village - Amawa Nakachhed, P.S. District- Gopalganj.
81. Dr. Chandramuli Tripathy S/o Late Nand Kishore Tripathy R/o Village Amahi Shukla, P.O. - Dubey Jigina, P.S. - Bhore, District- Gopalganj.
82. Vinit Kumar S/o Late Sitaram Singh R/o Village P.o. - Sarba, P.S. - Barbiga, District- Sheikhpura.
83. Rakesh Kumar S/o Ram Lagan Singh R/o Village - Lohiyanagar, P.O. - Suhirdnagar, P.S. - Muffasil, District- Begusarai.
84. Kumari Lalmani S/o Sri Janardan Prasad Mandal R/o Village P.O. - Banarjhula, P.S. Sonbarsa, District- Sitamarhi.
85. Kiran Kumari W/o Dr. Upendra Prasad Gupta At Rajiv Nagar Road, No. 18, P.O. - Keshrinagar, District- Patna - 24.
86. Suresh Pandit S/o Dhanushdhari Pandit Village P.O. P.S. - Shahjahanpur, District- Patna.
87. Akhileshwar Prasad S/o Parmeshwar Prasad R/o Village - Saril Chak, P.O.P.S. District- Nalanda.

... ... Respondents

with

Letters Patent Appeal No. 628 of 2021
In
Civil Writ Jurisdiction Case No.3846 of 2017

1. Janki Raman Son of Sri Sidheshwar Sah Resident of Gorigama, P.O.-Mannanpur Morsand, P.S.-Runnisaidpur, District-Sitamarhi
2. Shyam Kishore Poddar Son of Late Ayodhya Poddar, Resident of Village-Navratan Hata, Purnia, P.O.-Purnia. P.S.-Shahanchihat, District-Purnia.
3. Amresh Kumar Son of Late Murlidhar Thakur Resident of Village-Eastern Tola Bangon, P.O. P.S.-Bangaon, District-Saharsa
4. Sanjay Kumar S/o Late Gangapati Mallick Resident of Mohalla-Matiya Dih Mahawir Nagar, P.O. Motihari, P.S. Chhatauni, District-East Champaran.
5. Dinbandhu Son of Suryadeo Sah Resident of Village-P.O.-Jogwana Bazar, P.S.-Bathnaha, District-Samastipur
6. Gangesh Kumar Jha Son of Sri Ramakant Jha Resident of Village-Tatuar East Tola, P.S.-Manigachhi District-Darbhanga.
7. Md. Shahnawaz Rizvi, Son fo Md. Azizul Hakim Resident of Asanadpur, P.O.-Bhagalpur City, P.S.-Bhagalpur University, District-Bhagalpur.
8. Dr. Rakesh Kumar Parimal Son of Late Kishun Prasad Singh Resident of Village P.O.-Pararia, P.S.-Shambhuganj, District-Banka.
9. Rajdeo Kumar Son of Keshav Kumar Singh Resident of Village and P.O.-Karharia, P.S.-Bath, District-Bhagalpur
10. Rajesh Kumar Son of Yogendra Kumar Resident of Janki Bhawan, Teacher Colony, Bus Stand, Rajgir, District-Nalanda.
11. Upendra Baitha Son of Sri Dashrath Baitha, Resident of Village P.O.-Gariba, P.S.-Kalyanpur, District-East Champaran.
12. Arvind Kumar Mishra Son of Sri Abhiram Mishra Resident of Village-Champa, P.O.-Dihtol Paijuar, P.S.-Arer, District-Madhubani.
13. Harendra Singh Son of Late Yadav Singh Resident of Village-Garhani, P.O. and P.S.-Garhani, District-Bhojpur.
14. Dinesh Kumar Son of Suryadeo Sah Resident of Village and P.O.-Yogiwana Bazar, P.S.-Bathnaha, District-Sitamarhi
15. Anil Kumar Gupta Son of Sri Radhe Shyam Prasad Resident of Purani Bazar Ward No.11, Near Ranisati mandir, P.O. and P.S. Sitamarhi, District-Sitamarhi.
16. Ram Sagar Yadav Son of Sri Amirchand Chaudhary Resident of Flat NO.202, Block-B/2 Narayan Shree Apartment Sheikhpura, B.V. College, P.S.-Shastri Nagar, District-Patna.
17. Gaytree Kumari Wife of Mithilesh Kumr Sinha, Resident of Village-P.O.-Rasisa, P.S.-Ekangarsarai, District-Nalanda.
18. Ravi Shankar Prasad Son of Bhawat Prasad Resident of Village-Sadar Chowk, P.O. P.S.-Dehri-on-Sone, District-Rohtas
19. Rakesh Kumar Son of Ram Lagan Singh, Resident of Village-Lohiyanagar, P.O.-Suhirdnagar, P.S.-Muffasil, District-Begusari.

20. Akhileshwar Prasad Son of Parmeshwar Prasad Resident of Village-Saril Chak, P.O. and P.S. Nalanda, District-Nalanda.

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Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar
2. The Principal Secretary, Genral Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Human Resource Development Department, Education Department, New Secretariat, Patna.
4. The Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
5. The Director, (Administration-Cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkant Nagar, Nayapatti, Bhubaneshwar, Odissa.
7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Government of Inida, Plot no. 15A,, Sector-7, Dwarka, New Delhi
8. Bihar Public Service Commission through the Chairman,15, Jawaharlal Nehru Marg, Patna.
9. Joint Secretary-Cum-Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.
10. Shyamanand Azad S/o Late hari Nandan Sinha R/o Village P.S.- Sakatpur, P.O.- Pokharbhinda, District- Darbhanga, Presenlty Posted College of Teacher Education, Samastipur.
11. Birendra Kumar Mishra Village-Pajoudha, R/o Village- Pajoudha, P.S.- Daraunda, District- Siwan.
12. Binod Kumar Gupta S/o Rameshwar Pd. Gupta R/o Satghra Rajnagar, Gandhi Chowk, POPS- Rajnagar, District- Madhubani.
13. Brahmachari Ajay Kumar, S/o Sri Rameshwar Singh R/o Village- Dariyapur House Shastrinagar East, Road No.03, P.O.- GPO Gaya, P.S.- Rampur, District- Gaya.
14. Md. Bashir Hassan Manzer, S/o Md. Shabbir Hassan Manzer, at Benta, P.O.- D.M.C. Campus, P.S.- Laheriasarai, District- Darbhanga.
15. Basant Kumar Choudhary S/o Late Balmukund Choudhary R/o Villae- Kherajpur East, P.O.- Kherajpur, P.S.- Bahadurpur, District- Darbhanga.
16. Rakesh Kumar S/o Kaushal Kishore Prasad R/o Bajitpur Quilaghat, P.O.- Subhankarpur, P.S.- Laheriasarai, District- Darbhanga.
17. Ranjit Kumar S/o Braj Nandan Patel R/o Village- Basauli, P.O.- Bishunpur Titidha, P.S.- Rajapakar, District- Vaishali.
18. Md. Shabbir Hussain S/o Late Md. Muslehudduin, R/o Village P.O.- Parsauni, P.S.- Bisfi, District- Madhubani.
19. Daya Ram Yadav S/o Late Rajendra Prasad Yadav R/o Village P.O.- Koylasthan, P.S.- Keoti, District- Darbhanga.
20. Amrendra Kumar Kama S/o Sri Baldeo Lal R/o Village- Rustanpur, P.O.-

Hayaghat, P.S.- Hayaghat, District- Darbhanga.

21. Arjum Wasis S/o Md. Nazim R/o Village- Maniyarpur, P.O.P.S.- Warisnagar, District- Samastipur.
22. Shatrughna Mehta S/o Late Ramlakhan Mehta R/o Village- Harisnsari, P.O.P.S.- Shalkhua, District- Saharsa.
23. Ajay Kumar Prabhat S/o Late Sidheshwar Grain, R/o Village- Sheonagar, P.O.- Habibpur, P.S.- Parwalpur, District- Nalanda.
24. Yamuna Prasad S/o Murli Prasad R/o Village-P.O.-Tilauthu, District-Rohtas.
25. Gulabchand S/o Sri Mudrika Prasad R/o Village-Shahpur, P.O.-Bahuaara, P.S.-Dawath, District-Rohtas.
26. Arun Kumar Upadhyay S/o Late Ram Pravesg Upadhyay, R/o Village- Maudihan, P.O.-Barawan Kala, P.S.-Darihat, District-Rohtas
27. Dr. Isam Lal Karharia, S/o Upendra Prasad Singh R/o Upanu Villa, Sitla Sthan Road, P.O. P.S.-Isak Chak Gumti No.12, District-Bhagalpur.
28. Vinod Kumar S/o Shri Anandi Sinha R/o Village P.O.- Pararia, P.S.- Shambhuganj, District- Banka
29. Chandra Shekhar Kumar S/o Shri Ram Prasad Verma R/o Village- Mogalkuan POPS-Sohsarai, District-Nalanda.
30. Prasoon Kumar Akela S/o Late Anirudh Prasad R/o Kathal Tola, near Shiv Mandir, POPS-Sohsarai, District-Nalanda.
31. Sanjiv Kumar Son of Late Madan Mohan Lai Resident of Village and Post- Durgapur, P.S.,. Giriyak, District-Nalanda
32. Krishna Kumar S/o Sri Yogendra Prasad R/o Village-Bari Pahari, Near State Bank of India, P.O.-Sohsarai, P.S.-Laheri District-Nawada.
33. Rajesh Kumar Singh S/o Shyamdeo Singh R/o Village P.O. P.S.-Darihat, District-Rohtas.
34. Sanjay Kumar S/o Harish Chandra Thakur R/o Village- Brahampur, P.O.- Ratanpur, P.S.-Kamtaul, District-Darbhanga.
35. Prem Rajan Upadhyay S/o Shri Dharendra Upadhyay R/o Mohalla-JKs/D-61, Old Jakkanpur, PO PS-jakkanpur, District-Patna.
36. Diwakar Sharma S/o Sri Lal Babu Sharma R/o Village-Ataullahpur, PO PS Lalganj, District-Vaishali.
37. Arun Kumar Son of Late Sant Sharan, Resident of Mohalla New Area, P.O. and P.S. Nawada, District Nawada.
38. Bimal Kumar Son of Lakhna Saw Resident of Renu Niwas, Panchwati Nagar, P.O. and P.S. Rajgir, District-Nalanda
39. Suresh Prasad S/o Late Tilak Sao R/o Village-Prasad Bigha, Nawada, P.O. P.S. District-Nawada.
40. Manoj Kumar S/o Sri Kishna Bihari Prasad R/o Village P.O.-Bindawalia, P.S.-Kuchaikote, District-Gopalganj
41. Arun Kumar S/o Gangapati Malik R/o Vilalge-Mithiyadih, Mahavir Nagar, P.O. P.S.-Motihari, District-East Champaran.
42. Md. Khushnood Ahasn Raaz, S/o Md. Ayub Ansari R/o Mohalla-Shekhana

Kalan, P.O. P.S.-Biharsharif, District-Nalanda.

43. Vinod Kumar Pal S/o Ram Chandra Mahto R/o Village P.O.-Shivnar, P.S. Mokama, District-Patna.
44. Dr. Ravindra Kumar S/o Late Bundi Paswan R/o Village-Sonsa, P.O. Sihin, P.S.-Hisua, District-Nawada.
45. Dr. Prabha Kumari W/o Sri Jitendra Kumar Singh R/o Vilalge P.O.-Khajuri, P.S.-Naubatpur, District-Patna.
46. Dr. Rani Kumari C/o Deepak Kumar R/o Jetharia House Rajendra Nagar Road No.2, P.O. P.S.- Kadamkuan, District-Patna.
47. Shrikant Prasad S/o Kapildeo Prasad R/o Village P.O.- Bardeeh, P.S.- Islampur, District- Nalanda.
48. Dinesh Prasad S/o Ratan Lal Prasad R/o Village- Palgaura, P.O.- Ahiyapur, P.S.- Sahebganj, District- Muzaffarpur.
49. Murari Kant Prasad S/o Ramkeshwar Prasad R/o Village- Mana, P.O.- Bangpur, P.S.- Parwalpur, District- Nalanda.
50. Prakash Mohan Singh S/o Late Raghubansh Prasad Singh R/o Village P.O.- Dhabouli, P.S.- Sourbazar, District- Saharsa.
51. Dr. Rajeev Kumar Singh S/o Pradyumna Narayan Singh R/o Village P.O.- Sardiha, P.S.- Bakhtiarpur, District- Saharsa.
52. Sahjanand Kumar S/o Sri Lalitesh Kumar R/o Mohalla- New Adarsh Colony, Near NRL Petrol Pump, P.O.- Bahadurpur House Colony, P.S.- Agamkuan, District- Patna.
53. Neelmani Kumar Pathak S/o Late Rameshwar Nath Pathak R/o Mahavir Sthan, Maulabagh, P.O.- Ara, P.S.- Town Ara, District- Bhojpur.
54. Deepak Sawarkar S/o Sri Ram Balak Poddar, R/o Chitragupa Ngar, Pokharia, P.O.- Begusarai, P.S.- Begusarai Sadar, District- Begusarai.
55. Umesh Mahto S/o Ramdeo Mahto R/o Village- Bista, P.O.- Mushahamiya, P.S.- Sonbarsa, District- Sitamarhi.
56. Dr. Raj Kishore Singh S/o Nag Narayan Singh R/o Village- Ekari, P.O.P.S.- Ekma, District- Chapra.
57. Ranjit Panjiyara, S/o Basudeo Panjiyara R/o Village P.O.- Dadri Jala, P.S.- Sangrampur, District- Munger.
58. Somesh Kumar S/o Ram Swaroop Singh R/o Village- Basan Bigha, P.O.- Ushari, P.S.- Karpi, District- Arwal.
59. Sanjeev Kumar S/o Tileshwar Kumar R/o Village-Dumri West Tola, P.O.- Dumri, P.S.-Simri District-Buxar.
60. Dr. Thakur Sanjai Singh S/o Bhuvneshwar Prasad Singh R/o Village P.O.- Mahinath Nagar, P.S.- Beldour, District- Khagaria.
61. Sanjay Kumar S/o Sri Sant Kumar Yadav R/o Village- Maheshpur, P.O.- Samda, P.S.-Sour Bazar, District- Saharsa .
62. Anil Kumar Singh S/o Sri Surendra Singh R/o Village P.O.- Sukhpur, P.S.District- Supaul.
63. Gajendra Kumar S/o Sri Jainarayan Sah R/o Village- Mahisarho, P.O.-

Sarouni, P.S.- Mahishi, District- Saharsa.

- 64. Nagendra Kumar S/o Saryoo Prasad R/o Village- Rustam Chak, P.O.- Gayani Bigha, P.S.- Shakurabad, District- Jehanabad.
- 65. Md. Jameel Akhtar S/o Md. Nizamuddin, R/o Village- Gangapur, P.O.P.S.- Kurtha, District- Arwal.
- 66. Binod Kumar Singh S/o Mahadeo Singh R/o Village-Mander, P.O.-Mirzapur, P.S.-Nabinagar, District-Aurangabad.
- 67. Suresh Sharma S/o Late Ganauri Sharma R/o Village P.O.- Noawan, P.S.- Shakurabad, District- Jehanabad.
- 68. Naiyer Iqbal S/o Izhar Imam R/o Village- Abgila, P.O.- Buniyaganj, P.S.- Mofassil, District- Gaya.
- 69. Dr. Manoj Kumar Verma S/o Jagdeo Prasad R/o Village- Jaynagar Basti Fardahi Tola, P.O.P.S.- Jaynagar, District- Madhubani.
- 70. Dr. Manoj Kumar Vidyarthi S/o Sri Akhileshwar Sharma R/o Village- P.O.- Noawan, P.S.-Sakurabad, District-Jehanabad.
- 71. Sunil Kumar Tanti S/o Saryug Tanti R/o Village- Meyar, P.O.- Kaiy Meyar, P.S.- Noorsarai, District- Nalanda.
- 72. Md. Nazir Hayat S/o Md. Zubair Alam R/o Village- Mainpur, P.O.- Kujri, P.S.- Palasi, District- Araria.
- 73. Abhay Kumar Singh, S/o Late Bhaleshwar Prasad Singh R/o Jagdishpur, P.O.P.S.- Jandaha, District- Vaishali.
- 74. Md. Shekeel Akhtar S/o Md. Nizamuddin R/o Village- Gangapur, P.S.- Kurtha, District- Arwal.
- 75. Shamimur Rahman, S/o Tazrul Rahman R/o Village- Bhagauta, P.O.- Luxmigunj, P.S.- Goriakothi, District- Siwan.
- 76. Gorakh Nath Yadav S/o Late Balrup Prasad Yadav R/o Village- Amawa Nakachhed, P.S.District- Gopalganj.
- 77. Dr. Chandramuli Tripathy S/o Late Nand Kishore Tripathy R/o Village- Amahi Shukla, P.O.- Dubey Jigina, P.S.- Bhore, District- Gopalganj.
- 78. Akhilesh Kumar S/o Sri Babua Nand Sinha R/o Village- Niraza Nagar Ratanpur, P.O.P.S.District- Begusarai.
- 79. Vinit Kumar S/o Late Sitaram Singh R/o Village P.O.- Sarba, P.S.-Barbigha, District-Sheikhpura.
- 80. Kumari Lalmani S/o Sri Janardan Prasad Mandal R/o Village P.O.- Banarjhula, P.S.- Sonbarsa, District- Sitamarhi.
- 81. Kiran Kumari W/o Dr. Upendra Prasad Gupta At Rajiv Nagar Road, No.18, P.O.- Keshrinagar, District- Patna-24.
- 82. Suresh Pandit, S/o Dhanushdhari Pandit Village P.O.P.S.- Shahjahanpur, District- Patna.

... ... Respondents

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with

Letters Patent Appeal No. 629 of 2021
In
Civil Writ Jurisdiction Case No.3846 of 2017

1. Shyamanand Azad Son of Late Hari Nandan Sinha Resident of Village Sakatpur, P.O. Pokharbhinda, P.S. Sakatpur, District- Darbhanga.
2. Birendra Kumar Mishra Son of Raghab Saran Mishra Resident of Village-Pajoudha, P.S. Daraunda, District- Siwan.
3. Binod Kumar Gupta Son of Rameshwar Prasad Gupta Resident of Satghra Rajnagar, P.O. and P.S.- Rajnagar, District- Madhubani.
4. Brahmchari Ajay Kumar Son of Sri Rameshwar Singh Resident of Village Dariyapur House, Shashtrinagar East, Road No. 3, PO GPO, Gaya, P.S.- Rampur, District- Gaya.
5. Md. Bashir Hassan Manzer Son of Md. Shabbir Hassan Manzer at Benta, P.O.- D.M.C. Campus, P.S.- Laheriasarai, District- Darbhanga.
6. Basant Kumar Choudhary Son of Late Balmukund Choudhary Resident of Village Kherajpur East, P.S.- Bahadurpur, District- Darbhanga.
7. Md. Shabbir Hussain Son of Late Md. Muslehudduin Resident of Village and P.O.- Parsauni, P.S.- Bisfi, District- Madhubani.
8. Yamuna Prasad Son of Murli Prasad Resident of Village and P.O. Tilauthu, District- Rohtas.
9. Arun Kumar Upadhyay Son of Late Ram Pravesh Upadhyay Resident of Village Maudihan, PO Barawan Kala, P.S.- Darihat, District- Rohtas.
10. Vinod Kumar Son of Shri Anandi Sinha Resident of Village and PO Pararia, P.S.- Shambhuganj, District- Banka.
11. Sanjay Kumar Son of Harish Chandra Thakur Resident of Village Brahmpur, P.O.- Ratanpur, P.S.- Kamtaul, District- Darbhanga.
12. Prem Rajan Upadhyay Son of Shri Dharendra Upadhyay Resident of Mohalla Old Jakkanpur, P.O. and P.S.- Jakkanpur, District- Patna.
13. Manoj Kumar Son of Krishna Bihari Prasad Resident of Village and P.O. Bindawalia, P.S.- Kuchaikote, District- Gopalganj.
14. Vinod Kumar Pal Son of Ram Chandra Mahto Resident of Village and P.O.- Shivnar, P.S.- Mokama, District- Patna.
15. Dr Rani Kumari C/o Deepak Kumar Resident of Jetharia House, Rajendra Nagar, Road No.2, PO and PS Kadamkuan, District- Patna.
16. Dinesh Prasad Son of Ratan Lal Prasad Resident of Village Palgaura, PO Ahiyapur, PS- Sahebganj, District- Muzaffarpur.
17. Murari Kant Prasad Son of Ramkeshwar Prasad Resident of Village- Mana, P.O.- Bangpur, P.S.- Parwalpur, District- Nalanda.
18. Prakash Mohan Singh Son of Late Raghubansh Prasad Singh Resident of Village and PO Dhabouli, P.S.- Sourbazar, District- Saharsa.
19. Dr. Rajeev Kumar Singh Son of Pradymna Narayan Singh Resident of Village and PO Sardiha, P.S.- Bakhtiarpur, District- Saharsa.
20. Sahjanand Kumar Son of Sri Lalitesh Kumar Resident of Mohalla- New

Adarsh Colony, Near NRI Petrol Pump, PO Bahadurpur Housing Colony, P.S. Agamkuan, District- Patna.

- 21. Neelmani Kumar Pathak Son of Late Rameshwar Nath Patha Resident of Mahavir Sthan, Maulabagh, P.O. Arrah, P.S.- Town, District- Bhojpur.
- 22. Deepak Sawarkar Son of Sri Ram Balak Poddar R/o Chitragupa Ngar, Pokharia, P.O.- Begusarai, P.S.- Begusarai Sadar, District- Begusarai.
- 23. Ranjit Panjiyara Son of Basudeo Panjiyara Resident of Village- P.O.- Dadri Jala, P.S.- Sangrampur, District- Munger.
- 24. Somesh Kumar Son of Ram Swaroop Singh Resident of Village Basan Bigha, PO Ushari, P.S.- Karpi, District- Arwal.
- 25. Sanjeev Kumar Son of Tileshwar Kumar Resident of Village- Dumri West Tola, P.O.- Dumri, P.S.- Simri, District- Buxar.
- 26. Dr. Thakur Sanjai Singh Tomar Son of Bhuvneshwar Prasad Singh Resident of Village and P.O.- Mahinath Nagar, P.S.- Beldour, District- Khagaria.
- 27. Anil Kumar Singh Son of Sri Surendra Narayan Singh Resident of Village- P.O.- Sukhpur, P.S. and District- Supaul.
- 28. Nagendra Kumar Son of Saryoo Prasad Resident of Village- Rustom Chak, PO- Gayani Bigha, P.S.- Shakurabad, District- Jehanabad.
- 29. Binod Kumar Singh Son of Mahadeo Singh Resident of Village Mander, P.O.- Mirzapur, P.S.- Nabinagar, District- Aurangabad.
- 30. Ranjendra Sharma alias Rajendra Sharma Son of Sri Bechan Sharma Resident of Village and PO Bhindaspur, P.S. Belaganj, District- Gaya.
- 31. Md. Shekeel Akhtar S/o Md. Nizamuddin Resident of Village- Gangapur, P.S.- Kurtha, District- Arwal.
- 32. Md. Shamimur Rahman Son of Tazrul Rahman Resident of Village Bhagauta, PO Luxmiganj, P.S.- Goriakothi, District- Siwan.

... .. Appellants

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar.
- 2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
- 3. The Principal Secretary, Human Resource Development Department, Education Department, New Secretariat, Patna.
- 4. The Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
- 5. The Director (Administration)-cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
- 6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkant Nagar, Nayapatti, Bhubaneshwar, Odissa.
- 7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Government of India, Plot no. 15A, Sector- 7, Dwarka, New Delhi.
- 8. Bihar Public Service Commission through the Chairman, 15, Jawaharlal Nehru Marg, Patna.

9. Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.

... .. Respondents

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with

Letters Patent Appeal No. 649 of 2021

In

Civil Writ Jurisdiction Case No.718 of 2019

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- 1. Akhilesh Kumar Son of Late Nagendra Prasad Resident of House No. 62, Adarsh Colony, Saguna More, Danapur, Patna, Police Station- Danapur, District- Patna.
- 2. Hridayanand Singh Son of Late Baikunth Singh Resident of Village- Bithuna, Police Station- Bhagwanpur, District- Siwan.

... .. Appellants

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar.
- 2. The Principal Secretary, General Administration Department, Government of Bihar.
- 3. The Principal Secretary, Human Resources Development, Department (Education Department, New Secretariat), Government of Bihar, Patna.
- 4. Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
- 5. Director (Administration)-cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
- 6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkanth Nagar, Nayapatti, Bhubaneswar (Odissa).
- 7. Deputy Director, Centre for Resources and Training (Ministry of Culture, Government of India), Plot No. 15A, Sector-7, Dwarka, New Delhi.
- 8. Sanjay Kumar Son of Pashupati Nath Resident of near R.M.S. Post Office, Station Road, Police Station- Nawada, District- Nawada.
- 9. Om Prakash Singh Son of Ramchandra Prasad Resident of New Area Rajendra Nagar, Police Station and District- Nawada.
- 10. Janardan Prasad Son of Sri Harsday Mahto Resident of Village- Dhanama, Police Station- Chandradeep, District- Jamui.

... .. Respondents

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with

Letters Patent Appeal No. 673 of 2021

In

Civil Writ Jurisdiction Case No.3846 of 2017

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- 1. Bimal Kumar Son of Lakhan Saw, Resident of Renu Niwas, Panchwati Nagar, P.O. and P.S. Rajgir, District - Nalanda.
- 2. Arun Kumar, Son of Late Sant Sharan, resident of mohalla New Area, P.O.

and P.S. Nawada, District - Nawada.

- 3. Sanjiv Kumar, Son of Late Madan Mohan Lal, Resident of mohalla Chaukhandipar, P.O. and P.S.- Biharsarief, District - Nalanda.

... .. Appellants

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar.
- 2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
- 3. The Principal Secretary, Human Resource Development Department, Education Department, New Secretariat, Patna.
- 4. The Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
- 5. The Director, (Administration)-cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
- 6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkant Nagar, Nayapatti, Bhubaneshwar, Odissa.
- 7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Government of India, Plot no. 15A, Sector - 7, Dwarka New Delhi.
- 8. Bihar Public Service Commission through the Chairman, 15, Jawaharlal Nehru Marg, Patna.
- 9. Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.

... .. Respondents

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Acts/Sections/Rules:

- Rules 26(4) , 27, 28 of Bihar Education Service Rules, 2014

Appeal - filed against judgement whereby the learned Single Judge has dismissed the writ petitions filed by the present appellants.

Appellant were appointed as Assistant Teachers through exam conducted by BPSC. Government came out with a notice for preparation of a panel for posting as Principals and Lecturers. The said notice prescribed qualification for the aspirants willing to be empanelled. Appellants' application were shortlisted. They also participated in the workshop for selection from the shortlisted candidates for deputation in various institutions. Appellants were identified for posting on deputation in Education Training Colleges.

Thereafter, the Bihar Education Service Rules, 2014 were framed. Appellants submitted their representation for inclusion in the cadre of 'Research and Training' in Bihar Education Service. Claim of appellants was rejected, and so writ application was filed.

Appellants allege that although it has been written in the office order that the appellants were appointed on deputation basis, deputation allowance was not granted to them and, therefore, in fact they were posted on regular basis on the posts in question.

Held - For the empanelment , applications were invited not only from amongst teachers but also persons of the Administrative Cadre of Bihar Educational Service, Sub-ordinate Educational Service and other officers working in the Primary, Secondary and Higher Secondary Schools of the Government. It was made clear in such invitation that application was being solicited only for the purposes of preparation of a panel which would not give any right to such empanelled persons to be posted as Principals or Lecturers. (Para 7)

Appellants never objected before the respondent authority when they were posted on deputation basis. They never made representation for grant of deputation allowance before the concerned respondent authority. Secondly, it is also not in dispute that the competitive examination was not conducted and, therefore, merely because the appellants were possessing the requisite qualification and they undergone the training, it cannot be said that they have been appointed on regular basis on the posts in question. Thus, when the appellants have been posted on the deputation basis, Rule 27 would be applicable and, therefore, the respondent authority has rightly rejected the claim of the appellants for their regularization/absorption in Research & Training sub cadre of the Bihar Education Service. (Para 13.2)

Appeal is dismissed. (Para 15)

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.685 of 2021
In
Civil Writ Jurisdiction Case No.3846 of 2017

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1. Arun Kumar S/o Gangapati Malik R/o Village- Mithiyadih, Mahavir Nagar, P.O.P.S.- Motihari, District- East Champaran.
 2. Rakesh Kumar S/o Kaushal Kishore Prasad R/o Bajitpur Quilaghat, P.O.- Subhankarpur, P.S.- Laheriasarai, District- Darbhanga.
 3. Ranjit Kumar S/o Braj Nandan Patel R/o Village- Basauli, P.O.- Bishunpur Titidha, P.S.- Rajapakar, District- Vaishali.
 4. Amrendra Kumar Karna S/o Sri Baldeo Lal R/o Village- Rustanpur, P.O.- Hayaghat, P.S.- Hayaghat, District- Darbhanga.
 5. Ajay Kumar Prabhat S/o Late Sidheshwar Grain R/o Village- Sheonagar, P.O.- Habibpur, P.S.- Parwalpur, District- Nalanda.
 6. Gulabchand S/o Sri Mudrika Prasad R/o Village- Shahpur, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
 7. Rajesh Kumar Singh S/o Shyamdeo Singh R/o Village P.O. P.S- Darihat, District- Rohtas.
 8. Dr. Prabha Kumari W/o Sri Jitendra Kumar singh R/o Village P.O.- Khajuri, P.S.- Naubatpur, District- Patna.
 9. Shrikant Prasad S/o Kapildeo Prasad R/o Village P.O. - Bardeeh, P.S. - Islampur, District- Nalanda.
 10. Umesh Mahto S/o Ramdeo Mahto R/o Village- Bista, P.O.- Mushahamiya, P.S.- Sonbarsa, District- Sitamarhi.
 11. Md. Jameel Akhtar S/o Md. Nizamuddin R/o Village- Gangapur, P.O.P.S.- Kurtha, District- Arwal.
 12. Suresh Sharma S/o Late Ganauri Sharma R/o Village P.O.- Noawan, P.S.- Shakurabad, District- Jehanabad.
 13. Dr. Manoj Kumar Vidyarthi S/o Sri Akhileshwar Sharma R/o Village P.O.- Noawan, P.S.- Sakurabad, District- Jehanabad.
 14. Md. Nazir Hayat S/o Md. Zubair Alam R/o Village - Mainpur, P.O. - Kujri, P.S. - Palasi, District -Araria.
 15. Akhilesh Kumar S/o Sri Babua Nand Sinha r/o Village - Niraza Nagar Ratanpur, P.O. and P.S. District- Begusarai.

... .. Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Human Resources Development Department (Education Department New Secretariat), Govt. of Bihar, Patna.
4. Director, Research and Training, Education Department, New Secretariat, Govt. of Bihar, Patna.
5. Director, (Administration) cum - Special Secretary, Education Department,



New Secretariat, Govt. of Bihar, Patna.

6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15 Neelkant Nagar, Nayapatti, Bhubaneswar (Odissa).
7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Govt. of India, Plot No. 15A, Sector - 7, Dwarka, New Delhi.
8. Bihar Public Service Commission through the Chairman, 15 Jawaharlal Nehru Marg, Patna.
9. Joint Secretary - cum- Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna.
10. Shyamanand Azad S/o Late Hari Nandan Sinha R/o Village P.S.- Sakatpur, P.O.- Pokharbhinda, District- Darbhanga, Presently posted College of Teacher Education, Samastipur.
11. Birendra Kumar Mishra S/o Raghab Saran Mishra R/o Village- Pajoudha, P.S.- Daraunda, District- Siwan.
12. Janki Raman S/o Sri Sidheshwar Sah R/o Gorigama, P.O. - Mannanpur Morsand, P.S. Runnisaidpur, District- Sitamarhi.
13. Binod Kumar Gupta S/o Rameshwar Pd. Gupta R/o Satghra Rajnagar, Gandhi Chowk, Po PS - Rajnagar, District- Madhubani.
14. Brahmchari Ajay Kumar S/o Sri Rameshwar Singh R/o Satghra Rajnagar, Gandhi Chowk, PO PS- Rajnagar, District- Madhubani.
15. Shyam Kishore Poddar S/o Late Ayodhya Poddar R/o Village Navratan Hata, Purnia, P.O. - Purnia, P.S. - Shajanchihat, District- Purnia.
16. Amresh Kumar S/o Late Murlidhar Thakur R/o Village- Eastern Tola Bangon, PO Ps- Bangaon, District- Saharsa.
17. Md. Bashir Hassan Manzer S/o Md. Shabbir Hassan Manzer At Benta, P.O. - D.M.C. Campus, P.S. - Laheriasarai, District- Darbhanga.
18. Basant Kumar Choudhary S/o Late Balmukund Choudhary R/o Village Kherajpur East, P.O. - Kherajpur, P.S. - Bahadurpur, District- Darbhanga.
19. Sanjay Kumar S/o Gangapati Mallik R/o village - Mithiyadih, Mahavir Nagar, P.O. - Motihari, P.S. Chatauni, District- East Champaran.
20. Md. Shabbir Hussain S/o Late Md. Muslehudduin R/o Village P.O. - Parsauni, P.S. - Bisfi, District- Madhubani.
21. Dinbandhu S/o Suryadeo Sah R/o Village P.O.- Jogwana Bazar, P.S.- Bathnaha, District- Samastipur.
22. Daya Ram Yadav S/o Late Rajendra Prasad Yadav R/o Village P.O.- Koylasthan, P.S.- Keoti, District- Darbhanga.
23. Arjum Wasis S/o Md. Nazim R/o Village- Maniyarpur, P.O.P.S.- Warisnagar, District- Samastipur.
24. Gangesh Kumar Jha S/o Sri Ramakant Jha R/o Village- Tatuvar East Tola, P.S.- Manigachhi, District- Darbhanga.
25. Shatrughna Mehta S/o Late Ramlakhan Mehta R/o Village- Harisnsari, P.O.P.S.- Shalkhua, District- Saharsa.
26. Yamuna Prasad S/o Murli Prasad R/o Village P.O. - Tilauthu, District



Rohtas.

27. Md. Shahnawaz Rizvi Md. Azizul Hakim R/o Asanadpur, P.O. - Bhagalpur City, P.S. - Bhagalpur University, District- Bhagalpur.
28. Arun Kumar Upadhyay S/o Late Ram Pravesg Upadhyay R/o Village- Maudihan, P.O.- Barawan Kala, P.S.- Darihat, District- Rohtas.
29. Dr. Isam Lal Karharia, S/o Upendra Prasad Singh R/o Upanu villa, Sitla Sthan Road, P.O. P.S. - Isak Chak Gumti No. 12, District- Bhagalpur.
30. Dr. Rakesh Kumar Parimal S/o Late Kishun Prasad Singh R/o Village P.O. - Pararia, P.S. - Shambhuganj, District- Banka.
31. Vinod Kumar S/o Shri Anandi Sinha R/o Village - P.O. - Pararia, P.S. - Shambhuganj, District- Banka.
32. Rajdeo Kumar S/o Keshav Kumar Singh R/o Village P.O. - Karharia, P.S. - Barh, District- Bhagalpur.
33. Chandra Shekhar Kumar S/o Shri Ram Pravesch Prasad R/o Village Mogalkuan, POPS - Sahsarai, District- Nalanda.
34. Prasoon Kumar S/o Late Anirudh Prasad R/o Kathal Tola, near Shiv Mandir, POPS- Sohsarai, District- Nalanda.
35. Sanjiv Kumar S/o Late Madan Mohan Lal R/o Village P.O. - Durgapur, P.S. - Giriyak, District- Nalanda.
36. Krishna Kumar S/o Sri Yogendra Prasad R/o Village - Bari Pahari, Near State Bank of India, P.O. Sohsarai, P.S. - Laheri, District- Nawada.
37. Rajesh Kumar S/o Yogendra Kumar R/o Janki Bhawan, Teacher Colony, Bus Stand, Rajgir, District- Nalanda.
38. Upendra Baitha S/o Sri Dashrath Baitha R/o Village P.O. - Gariba, P.S. - Kalyanpur, District- East Champaran.
39. Sanjay Kumar S/o Harish Chandra Thakur R/o Village - Brahampur, P.O. - Ratanpur, P.S. Kamtaul, District- Darbhanga.
40. Arvind Kumar Mishra S/o Sri Abhiram Mishra R/o village - Champa, P.O. - Dihtol Paijuar, P.S. - Arer, District- Madhubani.
41. Prem Ranjan Upadhyay S/o Shri Dhirendra Upadhyay R/o Mohalla - JKs/ D61, Old Jakkanpur, POPS- Jakkanpur, District- Patna.
42. Diwakar Sharma S/o Sri Lal Babu Sharma R/o Village - Ataullahpur, POPS Lalganj, District- Vaishali.
43. Arun Kumar S/o Late Sant Sharan R/o Mohalla - New Area, Nawada, P.O.P.S. District- Nawada.
44. Bimal Kumar S/o Sri Lakhan Sao, R/o Renu Niwas Panchawati Nagarat POPS- Rajgir, District Nalanda. Patna High Court CWJC No. 3846 of 2017 dt. 01.10.2021 3/28
45. Suresh Prasad S/o Late Tilak Sao R/o Village - Prasad Bigha, Nawada, P.O. P.S. District- Nawada.
46. Manoj Kumar S/o Sri Kishna Bihari Prasad R/o Village P.O. - Bindawalia, P.S. - Kuchalkote, District- Gopalganj.
47. Md. Khushnood Ahasn Raaz S/o Md. Ayub Ansari Ansari R/o Mohalla -



- Shekhana Kalan, P.O. P.S. - Biharsharif, District- Nalanda.
48. Vinod Kumar Pal S/o Ram Chandra Mahto R/o Village P.O.- Shivnar, P.S.- Mokama, District- Patna.
 49. Dr. Ravindra Kumar S/o Late Bundi Paswan R/o Village- Sonsa, P.O.- Sihin, P.S.- Hisua, District- Nawada.
 50. Dr. Rani Kumari C/o Deepak Kumar R/o Jetharia House Rajendra Nagar Road No. 2, P.O. P.S. - Kadamkuan, District- Patna.
 51. Dinesh Prasad S/o Ratan Lal Prasad R/o Village - Palgaura, P.O. - Ahiyapur, P.S. - Shebganj, District- Muzaffarpur.
 52. Murari Kant Prasad S/o Ramkeshwar Prasad R/o Village - Mana, P.O. - Bangpur, P.S. - Parwalpur, District- Nalanda.
 53. Prakash Mohan Singh S/o Late Raghubansh Prasad Singh R/o Village P.O. - Dhabouli, P.S. - Sourbazar, District- Saharsa.
 54. Dr. Rajeev Kumar Singh S/o Pradyumna Narayan Singh R/o Village P.O. - Sardiha, P.S. - Bakhtiarpur, District- Saharsa.
 55. Sahjanand Kumar S/o Sri Lalitesh Kumar R/o Mohalla - New Adarsh Colony, Near NRL Petrol Pump, P.O. - Bahadurpur House Colony, P.S. - Agamkuna, District- Patna.
 56. Harendra Singh S/o Late Yadav Singh R/o Village P.O. P.S. - Garhani, District- Bhojpur.
 57. Neelmani Kumar Pathak S/o Late Rameshwar Nath Pathak R/o Mahavir Sthan, Maulabagh, P.O. - Ara, P.S. - Town Ara, District- Bhojpur.
 58. Deepak Sawarkar S/o Sri Ram Balak Poddar R/o Chitragupa Ngar, Pokharia, P.O.- Begusarai, P.S.- Begusarai Sadar, District- Begusarai.
 59. Dinesh Kumar S/o Suryadeo Sah R/o Village P.O.- Yogiwana Bazar, P.S.- Bathnaha, District- Sitamarhi.
 60. Dr. Raj Kishore Singh S/o Nag Narayan Singh R/o Village- Ekari, P.O.P.S.- Ekma, District- Chapra.
 61. Ranjit Panjiyara S/o Basudeo Panjiyara R/o Village P.O.- Dadri Jala, P.S.- Sangrampur, District- Munger.
 62. Somesh Kumar S/o Ram Swaroop Singh R/o Village- Basan Bigha, P.O.- Ushari, P.S.- Karpi, District- Arwal.
 63. Sanjeev Kumar S/o Tileshwar Kumar R/o Village- Dumri West Tola, P.O.- Dumri, P.S.- Simri, District- Buxar.
 64. Dr. Thakur Sanjai Singh Tomar S/o Bhuvneshwar Prasad Singh R/o Village P.O.- Mahinath Nagar, P.S.- Beldour, District- Khagaria.
 65. Sanjay Kumar S/o Sri Sant Kumar Yadav R/o Village- Maheshpur, P.O.- Samda, P.S.- Sour Bazar, District- Saharsa.
 66. Anil Kumar Singh S/o Sri Surendra Narayan Singh R/o Village P.O.- Sukhpur, P.S.District- Supaul.
 67. Gajendra Kumar S/o Sri Jainarayan Sah R/o Village- Mahisarho, P.O.- Sarouni, P.S.- Mahishi, District- Saharsa.
 68. Nagendra Kumar S/o Saryoo Prasad R/o Village- Rustam Chak, P.O.-



Gayani Bigha, P.S.- Shakurabad, District- Jehanabad.

69. Binod Kumar Singh S/o Mahadeo Singh R/o Village- Mander, P.O.- Mirzapur, P.S.- Nabinagar, District- Aurangabad.
70. Naiyer Iqbal S/o Izhar Imam R/o Village- Abgila, P.O.- Buniyaganj, P.S.- Mofassil, District- Gaya.
71. Dr. Manoj Kumar Verma S/o Jagdeo Prasad R/o Village - Jaynagar Basti Fardahi Tola, P.O. P.S. - Jaynagar, District- Madhubani.
72. Anil Kumar Gupta S/o Sri Radhe Shyam Prasad R/o Purani Bazar Ward No.11, Near Ranisati Mandir, P.O.P.S.District- Sitamarhi.
73. Ram Sagar Yadav S/o Sri Amirchand Chaudhary R/o Flat No.202, Block-B/2 Narayan Shree Apartment Sheikhpura, B.V. College, P.S.- Shastri Nagar, District- Patna.
74. Gaytree Kumari W/o Mithilesh Kumar Sinha R/o Village P.O. - Rasisa, P.S. - Ekangarsarai, District Nalanda.
75. Ravi Shankar Prasad S/o Bhagwat Prasad R/o Village - Sadar Chowk, P.O. P.S. - Dehri- on- sone, District- Rohtas.
76. Sunil Kumar Tanti S/o Saryug Tanti R/o Village- Meyar, P.O.- Kaiy Meyar, P.S.- Noorsarai, District- Nalanda.
77. Abhay Kumar Singh S/o Late Bhaleshwar Prasad Singh R/o Jagdishpur, P.O.P.S. - Jandaha, District- Vaishali.
78. Md. Shekeel Akhtar S/o Md. Nizamuddin R/o Village - Gangapur, P.S. - Kurtha, District- Arwal.
79. Shamimur Rahman S/o Tazrul Rahman R/o Village - Bhagauta, P.O. - Luxmigunj, P.S. - Goriakothi, District- Siwan.
80. Gorakh Nath Yadav S/o Late Balrup Prasad Yadav R/o Village - Amawa Nakachhed, P.S. District- Gopalganj.
81. Dr. Chandramuli Tripathy S/o Late Nand Kishore Tripathy R/o Village Amahi Shukla, P.O. - Dubey Jigina, P.S. - Bhore, District- Gopalganj.
82. Vinit Kumar S/o Late Sitaram Singh R/o Village P.o. - Sarba, P.S. - Barbiga, District- Sheikhpura.
83. Rakesh Kumar S/o Ram Lagan Singh R/o Village - Lohiyanagar, P.O. - Suhirdnagar, P.S. - Muffasil, District- Begusarai.
84. Kumari Lalmani S/o Sri Janardan Prasad Mandal R/o Village P.O. - Banarjhula, P.S. Sonbarsa, District- Sitamarhi.
85. Kiran Kumari W/o Dr. Upendra Prasad Gupta At Rajiv Nagar Road, No. 18, P.O. - Keshrinagar, District- Patna - 24.
86. Suresh Pandit S/o Dhanushdhari Pandit Village P.O. P.S. - Shahjahanpur, District- Patna.
87. Akhileshwar Prasad S/o Parmeshwar Prasad R/o Village - Saril Chak, P.O.P.S. District- Nalanda.

... .. Respondents

with



Letters Patent Appeal No. 628 of 2021
In
Civil Writ Jurisdiction Case No.3846 of 2017

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1. Janki Raman Son of Sri Sidheshwar Sah Resident of Gorigama, P.O.-Mannanpur Morsand, P.S.-Runnisaidpur, District-Sitamarhi
 2. Shyam Kishore Poddar Son of Late Ayodhya Poddar, Resident of Village-Navratan Hata, Purnia, P.O.-Purnia. P.S.-Shahanchihat, District-Purnia.
 3. Amresh Kumar Son of Late Murlidhar Thakur Resident of Village-Eastern Tola Bangon, P.O. P.S.-Bangaon, District-Saharsa
 4. Sanjay Kumar S/o Late Gangapati Mallick Resident of Mohalla-Matiya Dih Mahawir Nagar, P.O. Motihari, P.S. Chhatauni, District-East Champaran.
 5. Dinbandhu Son of Suryadeo Sah Resident of Village-P.O.-Jogwana Bazar, P.S.-Bathnaha, District-Samastipur
 6. Gangesh Kumar Jha Son of Sri Ramakant Jha Resident of Village-Tatuar East Tola, P.S.-Manigachhi District-Darbhanga.
 7. Md. Shahnawaz Rizvi, Son fo Md. Azizul Hakim Resident of Asanadpur, P.O.-Bhagalpur City, P.S.-Bhagalpur University, District-Bhagalpur.
 8. Dr. Rakesh Kumar Parimal Son of Late Kishun Prasad Singh Resident of Village P.O.-Pararia, P.S.-Shambhuganj, District-Banka.
 9. Rajdeo Kumar Son of Keshav Kumar Singh Resident of Village and P.O.-Karharia, P.S.-Bath, District-Bhagalpur
 10. Rajesh Kumar Son of Yogendra Kumar Resident of Janki Bhawan, Teacher Colony, Bus Stand, Rajgir, District-Nalanda.
 11. Upendra Baitha Son of Sri Dashrath Baitha, Resident of Village P.O.-Gariba, P.S.-Kalyanpur, District-East Champaran.
 12. Arvind Kumar Mishra Son of Sri Abhiram Mishra Resident of Village-Champa, P.O.-Dihtol Paijuar, P.S.-Arer, District-Madhubani.
 13. Harendra Singh Son of Late Yadav Singh Resident of Village-Garhani, P.O. and P.S.-Garhani, District-Bhojpur.
 14. Dinesh Kumar Son of Suryadeo Sah Resident of Village and P.O.-Yogiwana Bazar, P.S.-Bathnaha, District-Sitamarhi
 15. Anil Kumar Gupta Son of Sri Radhe Shyam Prasad Resident of Purani Bazar Ward No.11, Near Ranisati mandir, P.O. and P.S. Sitamarhi, District-Sitamarhi.
 16. Ram Sagar Yadav Son of Sri Amirchand Chaudhary Resident of Flat NO.202, Block-B/2 Narayan Shree Apartment Sheikhpura, B.V. College, P.S.-Shastri Nagar, District-Patna.
 17. Gaytree Kumari Wife of Mithilesh Kumr Sinha, Resident of Village-P.O.-Rasisa, P.S.-Ekangarsarai, District-Nalanda.
 18. Ravi Shankar Prasad Son of Bhawat Prasad Resident of Village-Sadar Chowk, P.O. P.S.-Dehri-on-Sone, District-Rohtas
 19. Rakesh Kumar Son of Ram Lagan Singh, Resident of Village-Lohiyanagar, P.O.-Suhirdnagar, P.S.-Muffasil, District-Begusari.



20. Akhileshwar Prasad Son of Parmeshwar Prasad Resident of Village-Saril Chak, P.O. and P.S. Nalanda, District-Nalanda.

... .. Appellants

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar
2. The Principal Secretary, Genral Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Human Resource Development Department, Education Department, New Secretariat, Patna.
4. The Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
5. The Director, (Administration-Cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkant Nagar, Nayapatti, Bhubaneshwar, Odissa.
7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Government of Inida, Plot no. 15A,, Sector-7, Dwarka, New Delhi
8. Bihar Public Service Commission through the Chairman,15, Jawaharlal Nehru Marg, Patna.
9. Joint Secretary-Cum-Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.
10. Shyamanand Azad S/o Late hari Nandan Sinha R/o Village P.S.- Sakatpur, P.O.- Pokharbhinda, District- Darbhanga, Presenlty Posted College of Teacher Education, Samastipur.
11. Birendra Kumar Mishra Village-Pajoudha, R/o Village- Pajoudha, P.S.- Daraunda, District- Siwan.
12. Binod Kumar Gupta S/o Rameshwar Pd. Gupta R/o Satghra Rajnagar, Gandhi Chowk, POPS- Rajnagar, District- Madhubani.
13. Brahmachari Ajay Kumar, S/o Sri Rameshwar Singh R/o Village- Dariyapur House Shastrinagar East, Road No.03, P.O.- GPO Gaya, P.S.- Rampur, District- Gaya.
14. Md. Bashir Hassan Manzer, S/o Md. Shabbir Hassan Manzer, at Benta, P.O.- D.M.C. Campus, P.S.- Laheriasarai, District- Darbhanga.
15. Basant Kumar Choudhary S/o Late Balmukund Choudhary R/o Villae-Kherajpur East, P.O.- Kherajpur, P.S.- Bahadurpur, District- Darbhanga.
16. Rakesh Kumar S/o Kaushal Kishore Prasad R/o Bajitpur Quilaghat, P.O.- Subhankarpur, P.S.- Laheriasarai, District- Darbhanga.
17. Ranjit Kumar S/o Braj Nandan Patel R/o Village- Basauli, P.O.- Bishunpur Titidha, P.S.- Rajapakar, District- Vaishali.
18. Md. Shabbir Hussain S/o Late Md. Muslehudduin, R/o Village P.O.- Parsauni, P.S.- Bisfi, District- Madhubani.
19. Daya Ram Yadav S/o Late Rajendra Prasad Yadav R/o Village P.O.- Koylasthan, P.S.- Keoti, District- Darbhanga.
20. Amrendra Kumar Kama S/o Sri Baldeo Lal R/o Village- Rustanpur, P.O.-



Hayaghat, P.S.- Hayaghat, District- Darbhanga.

21. Arjum Wasis S/o Md. Nazim R/o Village- Maniyarpur, P.O.P.S.- Warisnagar, District- Samastipur.
22. Shatrughna Mehta S/o Late Ramlakhan Mehta R/o Village- Harisnsari, P.O.P.S.- Shalkhua, District- Saharsa.
23. Ajay Kumar Prabhat S/o Late Sidheshwar Grain, R/o Village- Sheonagar, P.O.- Habibpur, P.S.- Parwalpur, District- Nalanda.
24. Yamuna Prasad S/o Murli Prasad R/o Village-P.O.-Tilauthu, District-Rohtas.
25. Gulabchand S/o Sri Mudrika Prasad R/o Village-Shahpur, P.O.-Bahuaara, P.S.-Dawath, District-Rohtas.
26. Arun Kumar Upadhyay S/o Late Ram Pravesg Upadhyay, R/o Village- Maudihan, P.O.-Barawan Kala, P.S.-Darihat, District-Rohtas
27. Dr. Isam Lal Karharia, S/o Upendra Prasad Singh R/o Upanu Villa, Sitla Sthan Road, P.O. P.S.-Isak Chak Gumti No.12, District-Bhagalpur.
28. Vinod Kumar S/o Shri Anandi Sinha R/o Village P.O.- Pararia, P.S.- Shambhuganj, District- Banka
29. Chandra Shekhar Kumar S/o Shri Ram Prasad Verma R/o Village- Mogalkuan POPS-Sohsarai, District-Nalanda.
30. Prasoon Kumar Akela S/o Late Anirudh Prasad R/o Kathal Tola, near Shiv Mandir, POPS-Sohsarai, District-Nalanda.
31. Sanjiv Kumar Son of Late Madan Mohan Lai Resident of Village and Post- Durgapur, P.S.,. Giryak, District-Nalanda
32. Krishna Kumar S/o Sri Yogendra Prasad R/o Village-Bari Pahari, Near State Bank of India, P.O.-Sohsarai, P.S.-Laheri District-Nawada.
33. Rajesh Kumar Singh S/o Shyamdeo Singh R/o Village P.O. P.S.-Darihat, District-Rohtas.
34. Sanjay Kumar S/o Harish Chandra Thakur R/o Village- Brahampur, P.O.- Ratanpur, P.S.-Kamtaul, District-Darbhanga.
35. Prem Rajan Upadhyay S/o Shri Dharendra Upadhyay R/o Mohalla-JKs/D-61, Old Jakkanpur, PO PS-jakkanpur, District-Patna.
36. Diwakar Sharma S/o Sri Lal Babu Sharma R/o Village-Ataullahpur, PO PS Lalganj, District-Vaishali.
37. Arun Kumar Son of Late Sant Sharan, Resident of Mohalla New Area, P.O. and P.S. Nawada, District Nawada.
38. Bimal Kumar Son of Lakhana Saw Resident of Renu Niwas, Panchwati Nagar, P.O. and P.S. Rajgir, District-Nalanda
39. Suresh Prasad S/o Late Tilak Sao R/o Village-Prasad Bigha, Nawada, P.O. P.S. District-Nawada.
40. Manoj Kumar S/o Sri Kishna Bihari Prasad R/o Village P.O.-Bindawalia, P.S.-Kuchaikote, District-Gopalganj
41. Arun Kumar S/o Gangapati Malik R/o Vilalge-Mithiyadih, Mahavir Nagar, P.O. P.S.-Motihari, District-East Champaran.
42. Md. Khushnood Ahasn Raaz, S/o Md. Ayub Ansari R/o Mohalla-Shekhana



- Kalan, P.O. P.S.-Biharsharif, District-Nalanda.
43. Vinod Kumar Pal S/o Ram Chandra Mahto R/o Village P.O.-Shivnar, P.S. Mokama, District-Patna.
 44. Dr. Ravindra Kumar S/o Late Bundi Paswan R/o Village-Sonsa, P.O. Sihin, P.S.-Hisua, District-Nawada.
 45. Dr. Prabha Kumari W/o Sri Jitendra Kumar Singh R/o Vilalge P.O.-Khajuri, P.S.-Naubatpur, District-Patna.
 46. Dr. Rani Kumari C/o Deepak Kumar R/o Jetharia House Rajendra Nagar Road No.2, P.O. P.S.- Kadamkuan, District-Patna.
 47. Shrikant Prasad S/o Kapildeo Prasad R/o Village P.O.- Bardeeh, P.S.- Islampur, District- Nalanda.
 48. Dinesh Prasad S/o Ratan Lal Prasad R/o Village- Palgaura, P.O.- Ahiyapur, P.S.- Sahebganj, District- Muzaffarpur.
 49. Murari Kant Prasad S/o Ramkeshwar Prasad R/o Village- Mana, P.O.- Bangpur, P.S.- Parwalpur, District- Nalanda.
 50. Prakash Mohan Singh S/o Late Raghubansh Prasad Singh R/o Village P.O.- Dhabouli, P.S.- Sourbazar, District- Saharsa.
 51. Dr. Rajeev Kumar Singh S/o Pradyumna Narayan Singh R/o Village P.O.- Sardiha, P.S.- Bakhtiarpur, District- Saharsa.
 52. Sahjanand Kumar S/o Sri Lalitesh Kumar R/o Mohalla- New Adarsh Colony, Near NRL Petrol Pump, P.O.- Bahadurpur House Colony, P.S.- Agamkuan, District- Patna.
 53. Neelmani Kumar Pathak S/o Late Rameshwar Nath Pathak R/o Mahavir Sthan, Maulabagh, P.O.- Ara, P.S.- Town Ara, District- Bhojpur.
 54. Deepak Sawarkar S/o Sri Ram Balak Poddar, R/o Chitragupa Ngar, Pokharia, P.O.- Begusarai, P.S.- Begusarai Sadar, District- Begusarai.
 55. Umesh Mahto S/o Ramdeo Mahto R/o Village- Bista, P.O.- Mushahamiya, P.S.- Sonbarsa, District- Sitamarhi.
 56. Dr. Raj Kishore Singh S/o Nag Narayan Singh R/o Village- Ekari, P.O.P.S.- Ekma, District- Chapra.
 57. Ranjit Panjiyara, S/o Basudeo Panjiyara R/o Village P.O.- Dadri Jala, P.S.- Sangrampur, District- Munger.
 58. Somesh Kumar S/o Ram Swaroop Singh R/o Village- Basan Bigha, P.O.- Ushari, P.S.- Karpi, District- Arwal.
 59. Sanjeev Kumar S/o Tileshwar Kumar R/o Village-Dumri West Tola, P.O.- Dumri, P.S.-Simri District-Buxar.
 60. Dr. Thakur Sanjai Singh S/o Bhuvneshwar Prasad Singh R/o Village P.O.- Mahinath Nagar, P.S.- Beldour, District- Khagaria.
 61. Sanjay Kumar S/o Sri Sant Kumar Yadav R/o Village- Maheshpur, P.O.- Samda, P.S.-Sour Bazar, District- Saharsa .
 62. Anil Kumar Singh S/o Sri Surendra Singh R/o Village P.O.- Sukhpur, P.S.District- Supaul.
 63. Gajendra Kumar S/o Sri Jainarayan Sah R/o Village- Mahisarho, P.O.-



Sarouni, P.S.- Mahishi, District- Saharsa.

- 64. Nagendra Kumar S/o Saryoo Prasad R/o Village- Rustam Chak, P.O.- Gayani Bigha, P.S.- Shakurabad, District- Jehanabad.
- 65. Md. Jameel Akhtar S/o Md. Nizamuddin, R/o Village- Gangapur, P.O.P.S.- Kurtha, District- Arwal.
- 66. Binod Kumar Singh S/o Mahadeo Singh R/o Village-Mander, P.O.-Mirzapur, P.S.-Nabinagar, District-Aurangabad.
- 67. Suresh Sharma S/o Late Ganauri Sharma R/o Village P.O.- Noawan, P.S.- Shakurabad, District- Jehanabad.
- 68. Naiyer Iqbal S/o Izhar Imam R/o Village- Abgila, P.O.- Buniyaganj, P.S.- Mofassil, District- Gaya.
- 69. Dr. Manoj Kumar Verma S/o Jagdeo Prasad R/o Village- Jaynagar Basti Fardahi Tola, P.O.P.S.- Jaynagar, District- Madhubani.
- 70. Dr. Manoj Kumar Vidyarthi S/o Sri Akhileshwar Sharma R/o Village- P.O.- Noawan, P.S.-Sakurabad, District-Jehanabad.
- 71. Sunil Kumar Tanti S/o Saryug Tanti R/o Village- Meyar, P.O.- Kaiy Meyar, P.S.- Noorsarai, District- Nalanda.
- 72. Md. Nazir Hayat S/o Md. Zubair Alam R/o Village- Mainpur, P.O.- Kujri, P.S.- Palasi, District- Araria.
- 73. Abhay Kumar Singh, S/o Late Bhaleshwar Prasad Singh R/o Jagdishpur, P.O.P.S.- Jandaha, District- Vaishali.
- 74. Md. Shekeel Akhtar S/o Md. Nizamuddin R/o Village- Gangapur, P.S.- Kurtha, District- Arwal.
- 75. Shamimur Rahman, S/o Tazrul Rahman R/o Village- Bhagauta, P.O.- Luxmigunj, P.S.- Goriakothi, District- Siwan.
- 76. Gorakh Nath Yadav S/o Late Balrup Prasad Yadav R/o Village- Amawa Nakachhed, P.S.District- Gopalganj.
- 77. Dr. Chandramuli Tripathy S/o Late Nand Kishore Tripathy R/o Village- Amahi Shukla, P.O.- Dubey Jigina, P.S.- Bhore, District- Gopalganj.
- 78. Akhilesh Kumar S/o Sri Babua Nand Sinha R/o Village- Niraza Nagar Ratanpur, P.O.P.S.District- Begusarai.
- 79. Vinit Kumar S/o Late Sitaram Singh R/o Village P.O.- Sarba, P.S.-Barbigaha, District-Sheikhpura.
- 80. Kumari Lalmani S/o Sri Janardan Prasad Mandal R/o Village P.O.- Banarjhula, P.S.- Sonbarsa, District- Sitamarhi.
- 81. Kiran Kumari W/o Dr. Upendra Prasad Gupta At Rajiv Nagar Road, No.18, P.O.- Keshrinagar, District- Patna-24.
- 82. Suresh Pandit, S/o Dhanushdhari Pandit Village P.O.P.S.- Shahjahanpur, District- Patna.

... ... Respondents

with



Letters Patent Appeal No. 629 of 2021
In
Civil Writ Jurisdiction Case No.3846 of 2017

-
1. Shyamanand Azad Son of Late Hari Nandan Sinha Resident of Village Sakatpur, P.O. Pokharbhinda, P.S. Sakatpur, District- Darbhanga.
 2. Birendra Kumar Mishra Son of Raghab Saran Mishra Resident of Village-Pajoudha, P.S. Daraunda, District- Siwan.
 3. Binod Kumar Gupta Son of Rameshwar Prasad Gupta Resident of Satghra Rajnagar, P.O. and P.S.- Rajnagar, District- Madhubani.
 4. Brahmchari Ajay Kumar Son of Sri Rameshwar Singh Resident of Village Dariyapur House, Shashtrinagar East, Road No. 3, PO GPO, Gaya, P.S.- Rampur, District- Gaya.
 5. Md. Bashir Hassan Manzer Son of Md. Shabbir Hassan Manzer at Benta, P.O.- D.M.C. Campus, P.S.- Laheriasarai, District- Darbhanga.
 6. Basant Kumar Choudhary Son of Late Balmukund Choudhary Resident of Village Kherajpur East, P.S.- Bahadurpur, District- Darbhanga.
 7. Md. Shabbir Hussain Son of Late Md. Muslehudduin Resident of Village and P.O.- Parsauni, P.S.- Bisfi, District- Madhubani.
 8. Yamuna Prasad Son of Murli Prasad Resident of Village and P.O. Tilauthu, District- Rohtas.
 9. Arun Kumar Upadhyay Son of Late Ram Pravesh Upadhyay Resident of Village Maudihan, PO Barawan Kala, P.S.- Darihat, District- Rohtas.
 10. Vinod Kumar Son of Shri Anandi Sinha Resident of Village and PO Pararia, P.S.- Shambhuganj, District- Banka.
 11. Sanjay Kumar Son of Harish Chandra Thakur Resident of Village Brahmpur, P.O.- Ratanpur, P.S.- Kamtaul, District- Darbhanga.
 12. Prem Rajan Upadhyay Son of Shri Dharendra Upadhyay Resident of Mohalla Old Jakkanpur, P.O. and P.S.- Jakkanpur, District- Patna.
 13. Manoj Kumar Son of Krishna Bihari Prasad Resident of Village and P.O. Bindawalia, P.S.- Kuchaikote, District- Gopalganj.
 14. Vinod Kumar Pal Son of Ram Chandra Mahto Resident of Village and P.O.- Shivnar, P.S.- Mokama, District- Patna.
 15. Dr Rani Kumari C/o Deepak Kumar Resident of Jetharia House, Rajendra Nagar, Road No.2, PO and PS Kadamkuan, District- Patna.
 16. Dinesh Prasad Son of Ratan Lal Prasad Resident of Village Palgaura, PO Ahiyapur, PS- Sahebganj, District- Muzaffarpur.
 17. Murari Kant Prasad Son of Ramkeshwar Prasad Resident of Village- Mana, P.O.- Bangpur, P.S.- Parwalpur, District- Nalanda.
 18. Prakash Mohan Singh Son of Late Raghubansh Prasad Singh Resident of Village and PO Dhabouli, P.S.- Sourbazar, District- Saharsa.
 19. Dr. Rajeev Kumar Singh Son of Pradymna Narayan Singh Resident of Village and PO Sardiha, P.S.- Bakhtiarpur, District- Saharsa.
 20. Sahjanand Kumar Son of Sri Lalitesh Kumar Resident of Mohalla- New



Adarsh Colony, Near NRI Petrol Pump, PO Bahadurpur Housing Colony,
P.S. Agamkuan, District- Patna.

- 21. Neelmani Kumar Pathak Son of Late Rameshwar Nath Patha Resident of Mahavir Sthan, Maulabagh, P.O. Arrah, P.S.- Town, District- Bhojpur.
- 22. Deepak Sawarkar Son of Sri Ram Balak Poddar R/o Chitragupa Ngar, Pokharia, P.O.- Begusarai, P.S.- Begusarai Sadar, District- Begusarai.
- 23. Ranjit Panjiyara Son of Basudeo Panjiyara Resident of Village- P.O.- Dadri Jala, P.S.- Sangrampur, District- Munger.
- 24. Somesh Kumar Son of Ram Swaroop Singh Resident of Village Basan Bigha, PO Ushari, P.S.- Karpi, District- Arwal.
- 25. Sanjeev Kumar Son of Tileshwar Kumar Resident of Village- Dumri West Tola, P.O.- Dumri, P.S.- Simri, District- Buxar.
- 26. Dr. Thakur Sanjai Singh Tomar Son of Bhuvneshwar Prasad Singh Resident of Village and P.O.- Mahinath Nagar, P.S.- Beldour, District- Khagaria.
- 27. Anil Kumar Singh Son of Sri Surendra Narayan Singh Resident of Village- P.O.- Sukhpur, P.S. and District- Supaul.
- 28. Nagendra Kumar Son of Saryoo Prasad Resident of Village- Rustom Chak, PO- Gayani Bigha, P.S.- Shakurabad, District- Jehanabad.
- 29. Binod Kumar Singh Son of Mahadeo Singh Resident of Village Mander, P.O.- Mirzapur, P.S.- Nabinagar, District- Aurangabad.
- 30. Ranjendra Sharma alias Rajendra Sharma Son of Sri Bechan Sharma Resident of Village and PO Bhindaspur, P.S. Belaganj, District- Gaya.
- 31. Md. Shekeel Akhtar S/o Md. Nizamuddin Resident of Village- Gangapur, P.S.- Kurtha, District- Arwal.
- 32. Md. Shamimur Rahman Son of Tazrul Rahman Resident of Village Bhagauta, PO Luxmiganj, P.S.- Goriakothi, District- Siwan.

... .. Appellants

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar.
- 2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
- 3. The Principal Secretary, Human Resource Development Department, Education Department, New Secretariat, Patna.
- 4. The Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
- 5. The Director (Administration)-cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
- 6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkant Nagar, Nayapatti, Bhubaneshwar, Odissa.
- 7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Government of India, Plot no. 15A, Sector- 7, Dwarka, New Delhi.
- 8. Bihar Public Service Commission through the Chairman, 15, Jawaharlal Nehru Marg, Patna.



9. Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.

... .. Respondents

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with

Letters Patent Appeal No. 649 of 2021

In

Civil Writ Jurisdiction Case No.718 of 2019

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1. Akhilesh Kumar Son of Late Nagendra Prasad Resident of House No. 62, Adarsh Colony, Saguna More, Danapur, Patna, Police Station- Danapur, District- Patna.
2. Hridayanand Singh Son of Late Baikunth Singh Resident of Village- Bithuna, Police Station- Bhagwanpur, District- Siwan.

... .. Appellants

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar.
3. The Principal Secretary, Human Resources Development, Department (Education Department, New Secretariat), Government of Bihar, Patna.
4. Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
5. Director (Administration)-cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkanth Nagar, Nayapatti, Bhubaneswar (Odissa).
7. Deputy Director, Centre for Resources and Training (Ministry of Culture, Government of India), Plot No. 15A, Sector-7, Dwarka, New Delhi.
8. Sanjay Kumar Son of Pashupati Nath Resident of near R.M.S. Post Office, Station Road, Police Station- Nawada, District- Nawada.
9. Om Prakash Singh Son of Ramchandra Prasad Resident of New Area Rajendra Nagar, Police Station and District- Nawada.
10. Janardan Prasad Son of Sri Harsday Mahto Resident of Village- Dhanama, Police Station- Chandradeep, District- Jamui.

... .. Respondents

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with

Letters Patent Appeal No. 673 of 2021

In

Civil Writ Jurisdiction Case No.3846 of 2017

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1. Bimal Kumar Son of Lakhan Saw, Resident of Renu Niwas, Panchwati Nagar, P.O. and P.S. Rajgir, District - Nalanda.
2. Arun Kumar, Son of Late Sant Sharan, resident of mohalla New Area, P.O.



and P.S. Nawada, District - Nawada.

3. Sanjiv Kumar, Son of Late Madan Mohan Lal, Resident of mohalla Chaukhandipar, P.O. and P.S.- Biharsarief, District - Nalanda.

... .. Appellants

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Human Resource Development Department, Education Department, New Secretariat, Patna.
4. The Director, Research and Training, Education Department, New Secretariat, Government of Bihar, Patna.
5. The Director, (Administration)-cum-Special Secretary, Education Department, New Secretariat, Government of Bihar, Patna.
6. Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15, Neelkant Nagar, Nayapatti, Bhubaneswar, Odissa.
7. Deputy Director, Centre for Cultural Resources and Training, Ministry of Culture, Government of India, Plot no. 15A, Sector - 7, Dwarka New Delhi.
8. Bihar Public Service Commission through the Chairman, 15, Jawaharlal Nehru Marg, Patna.
9. Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Patna.

... .. Respondents

Appearance :

(In Letters Patent Appeal No. 685 of 2021)

For the Appellants : Mr. Abhinav Srivastava, Advocate
For the Respondents : Mr. Shashi Shekhar Tiwari, Advocate
For the BPSC : Mr. Sanjay Pandey, Advocate
Mr. Nishant Kumar Jha, Advocate

(In Letters Patent Appeal Nos. 628 of 2021, 629 of 2021, 649 of 2021 and 673 of 2021)

For the Appellants : Mr. Sanjay Singh, Senior Advocate
Mr. Sanjeev Kumar Singh, Advocate
For the Respondents : Mr. Shashi Shekhar Tiwari, Advocate
For the BPSC : Mr. Sanjay Pandey, Advocate
Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

Date : 08-07-2024



The present appeals have been filed under Clause 10 of the Letters Patent of the Patna High Court Rules against common oral judgment dated 01.10.2021 passed in C.W.J.C. No. 3846 of 2017 and other analogous matters rendered by the learned Single Judge, whereby the learned Single Judge has dismissed the writ petitions filed by the present appellants/original petitioners.

2. As the issue involved in all these appeals is common, learned counsels appearing for the parties jointly requested that all these appeals be heard together and be disposed of at the admission stage itself.

3. The factual matrix of the present case is as under: -

3.1. It is the case of the appellants/original petitioners that they were appointed as Assistant Teachers on different dates and in different years in different Government Primary and Secondary Schools. They possess the requisite qualifications for the said post. The Research and Training Directorate of Education Department, Government of Bihar, had come out with a notice for preparation of a panel for posting in various District Institutes of Education and Training (DIET), Teachers Training Colleges and Primary Teachers Training Colleges as Principals and Lecturers. For the said purpose, applications were invited from the members of the Bihar Education Service, (Administrative Cadre), Subordinate Education Service Cadre and other Officers and Teachers working in Government



Primary, Secondary and Higher Secondary Schools. The said notice prescribed qualification for the aspirants willing to be empanelled in the light of the said notice.

3.2. It is the case of the appellants/original petitioners that their applications for empanellment of 294 applicants including these petitioners were shortlisted.

3.3. It is further stated that the Director (Research and Training) Department of Education requested the Director, Primary Education to handover the services of the Teachers so empanelled to the Research and Training Directorate. Further, the shortlisted candidates were made to participate in a workshop of Development Needs Analysis ('DNA') for selection from the shortlisted candidates for deputation in various institutions. Thereafter the workshop of DNA was organized in two stages. The petitioners were relieved to participate in the said DNA and ultimately 170 eligible candidates were declared successful including the petitioners.

3.4. Thereafter, the Education Department, Government of Bihar, issued a letter on 05.06.2013 addressed to all the aspirants to the effect that a total of 170 Teachers had been identified for posting on deputation in Education Training Colleges. Such candidates were allowed to exercise three options for their posting against vacant posts. The case of the petitioners is that they



also exercised their options and ultimately a total number of 150 candidates were posted as Lecturers on deputation basis in different District Education and Training Institutes and Primary Teachers Education College for a period of one year by an Office Order dated 23.07.2013. At this stage, it is pertinent to note that in the said letter it was specifically mentioned that selected candidates were being posted on deputation basis and the decision to extend the period of deputation shall depend upon the satisfactory service of the deputed teachers.

3.5. Thereafter, the Bihar Education Service Rules, 2014 (hereinafter referred to as 'the Rules of 2014') were framed in exercise of the powers conferred by the *proviso* to Article 309 of the Constitution of India came to be notified by the Education Department, Government of Bihar, vide Notification No. 698 dated 12.02.2014. The Rules stipulated that the Bihar Education Service shall have four sub-cadres namely (i) Administration Sub-Cadre, (ii) Training Sub-Cadre, (iii) Research and Training Sub-Cadre and (iv) An Isolated Sub-Cadre.

3.6. It is the case of the appellants/original petitioners that even after framing of the Rules of 2014, services of the petitioners was duly extended in 2015 onwards. Subsequently, the petitioners submitted their representation for inclusion in the said cadre of Research and Training. When no action was taken, they



moved before this Court by filing C.W.J.C. No. 19031 of 2015, which was disposed of vide order dated 24.08.2016, whereby direction was issued to the Principal Secretary, Education Department, Government of Bihar, to consider and decide the representation within stipulated time.

3.7. It is the grievance of the appellants/original petitioners that the Principal Secretary, Education Department, Government of Bihar, passed orders dated 22.11.2016, whereby the claim of the petitioners came to be rejected.

3.8. The appellants/originals petitioners have, therefore, preferred the captioned writ petitions before this Court challenging the decision of the respondent authorities and it was prayed that the said decision be quashed and set aside and appropriate directions be issued for inclusion of the petitioners in the said cadre of Research and Training.

3.9. Learned Single Judge by impugned oral judgment dated 01.10.2021 dismissed the writ petitions and, therefore, the petitioners/appellants herein have preferred these appeals.

4. We have heard Mr. Sanjay Singh, learned Senior Counsel assisted by Mr. Sanjeev Kumar Singh, in L.P.A. Nos. 628 of 2021, 629 of 2021 and 673 of 2021 and Mr. Abhinav Srivastava, learned counsel in L.P.A. No. 685 of 2021 on behalf of the



appellants. Mr. Shashi Shekhar Tiwary, learned counsel for the State and Mr. Sanjay Pandey, learned counsel assisted by Mr. Nishant Kumar Jha on behalf of the respondent Bihar Public Service Commission.

5. Learned Counsels appearing for the appellants would mainly contend that the appellants/petitioners were possessing requisite educational qualifications and they have been appointed as Teachers through the examination conducted by the Bihar Public Service Commission (BPSC). Thereafter, by a notice issued from the Directorate of Research and Training, Education Department, Government of Bihar, applications were invited from eligible teachers and members of education services for preparation of list to fill up the posts of teachers in Training Colleges, District Institutes of Education and Training and Primary Teachers Education Colleges within the State of Bihar. Thereafter, it was decided to conduct the workshop for DNA for filling up of the said post and after following detailed process of examination and selection of eligible teachers working in different schools possessing requisite qualifications, the appellants/petitioners were selected for discharging the duties attached to the posts of Lecturers/Teachers in different Teachers Training Colleges.

5.1. It is further contended that Rules of 2014 were notified and as per the Rule 26(4) of Rules of 2014, all such officers,



who had been recruited and selected and were working prior to coming into force of the said Rules were to be considered to be included in the sub-cadres of the services governed by the said Rules.

5.2. Learned counsel would submit that in fact the date on which the Rules were notified by the concerned authorities, the appellants were already working against different posts in the cadre of Education Service, Research and Training/Teaching of Education Department of the State Government and, therefore, they are entitled for being considered to be included in the sub-cadre of the said services.

5.3. Learned Advocates for the appellants assailed the impugned order passed by the learned Single Judge by contending that the learned Single Judge did not properly consider Rule 26(4) as well as Rule 27 of the Rules of 2014. It is contended that while giving appointment to the petitioners at various institutions, the respondents have wrongly used the word 'deputation' and, in fact, the deputation allowance was not given to the petitioners. Further they have been transferred to the other districts in the State and, therefore, practically for all purposes, it can be said that the petitioners were appointed by the concerned respondent authorities on the post at various institutions and, therefore, Rule 26(4) of the Rules of 2014 would apply. However, the learned Single Judge, after relying upon Rule 27 of the Rules held that the



petitioners have been appointed on deputation, they are to be reverted back.

5.4. Learned counsel thereafter submits that Rule 27 of the Rules of 2014 envisages a couple of situations where a person working in the cadre would be subsumed if he has the requisite qualification but only if he gives an option for inclusion in the sub-cadre. He could be reverted back to his parent cadre only when he does not have requisite qualification or does not exercise his option for inclusion or his working on deputation basis. Further, so far as the last of categories mentioned in Rule 27 of the Rules of 2014 is concerned, it is of such persons who have been appointed on those posts, who would not be reverted back but would remain on their post but without any avenue of promotion.

5.5. Learned Advocates appearing for the appellants, therefore, urged that the impugned order passed by the learned Single Judge be set aside and thereby direction be issued to respondent authorities to absorb the appellants in the sub-cadres of Education Service, Research and Training/Teaching of Education Department of the State Government.

6. On the other hand, learned Advocate appearing on behalf of the respondents has opposed the present appeals. He would mainly contend that under demanding circumstances, with a view to run the educational training and research institutions of the



Government of Bihar, applications were invited on 17.05.2012 from the Officers of Bihar Education Service (Administrative cadre), Subordinate Education Service and Teachers of Primary, Secondary and Higher Secondary Schools having qualifications prescribed with their willingness. However, competitive examination was not conducted to test the competence of the candidates for the aforesaid services. The programme, i.e., DNA, was organized prior to the posting of the petitioners on deputation basis in different Education and Training institutions as per the requirement. Learned counsel would further submit that vide Memo. No. 20 dated 14.01.2013, the petitioners were placed on deputation basis at the particular places. It is contended that at the relevant point of time, the Rules were not framed and notified. In fact, the petitioners accepted their posting on deputation basis at the relevant places and their deputation was extended from time to time.

6.1. Learned counsel for the respondents thereafter contended that Rule 26(4) of the Rules of 2014 would not be applicable to the case of the petitioners and as per Rule 27 of the Rules of 2014, as the petitioners were posted on deputation basis, they are required to be reverted back to the original post.

6.2. Learned counsel for the respondents has relied on the reasoning given by the learned Single Judge while passing the impugned order and thereafter also referred the counter affidavit filed



by the respondents in the writ petitions as well as in the present appeals and thereafter contended that the concerned respondents as well as the learned Single Judge have not committed any error while rejecting the claim of the present appellants/original petitioners. Learned counsel, therefore, urged that all these appeals be dismissed.

7. We have considered the submissions canvassed by learned counsels and we have also perused the materials placed on record and also considered the Rules of 2014. It would emerge from the record that it is the case of the original petitioners that they were appointed as Assistant Teachers on different dates and in different years in different Primary and Secondary Government Schools. It further transpires that the original petitioners possess Post Graduation qualification of M.Ed. and M.A. in Education. The Research & Training Directorate of Education Department, Government of Bihar, in order to prepare a panel of such teachers for their posting in various DIET, Teachers Training Colleges and Primary Teachers Training Colleges and as Principals and Lecturers, invited applications not only from amongst teachers but also persons of the Administrative Cadre of Bihar Educational Service, Sub-ordinate Educational Service and other officers working in the Primary, Secondary and Higher Secondary Schools of the Government. It was made clear in such invitation that application was being solicited only for the purposes of preparation of a panel which would not give



any right to such empanelled persons to be posted as Principals or Lecturers in DIET or another training colleges.

8. It further transpires from the record that pursuant to the aforesaid invitation by the Research And Training Directorate of Education, 294 persons including the appellants/petitioners were shortlisted and thereafter, their services in their respective organization was handed over to the Research And Training Directorate and those empanelled persons were made to undergo a workshop under the name of DNA, for selection and deputation in the colleges of Teachers Education, DIET etc. Further, out of those 294 empanelled persons, 170 eligible candidates including the appellants were declared finally successful, who were given the option of choosing their posting on the basis of their deputation in the Education Training Colleges. It also transpires that the appellants and other similarly situated empanelled and selected candidates exercised three options for their posting against vacant posts and 150 out of them were posted as lecturers in different District Education and Training Institutes and Teachers Training Colleges for one year.

9. At this stage, it is pertinent to note that the aforesaid posting was done vide order dated 23.07.2013 in which it has been clearly stated that they were being posted in the colleges as Lecturers on deputation and their extension of such deputation would depend on their satisfactory service.



10. It would further reveal from the record that thereafter Rules of 2014 came into existence under which four sub-cadres were created in Bihar Education Services, one of them being Research & Training Sub-Cadre. It is relevant to note that the State of Bihar has framed the said Rules in exercise of power under the *proviso* to Article 309 of the Constitution of India. At this stage, we would like to refer Rules 26(4), 27 and 28 of the Rules of 2014, which provide as under:

- “26. 1. xx xx xx
2. xx xx xx
3. xx xx xx
4. The officers recruited/promoted and working prior on the above posts will be considered included in the sub cadre.
27. The officers appointed/promoted and working on the above posts of this sub cadre and having the prescribed qualification of these posts shall give the option for inclusion in this sub cadre. In case of having no qualification or not giving option for inclusion in this sub cadre or in case of working on deputation basis, they shall be reverted back to their own cadre, if they are appointed on these posts, they shall remain on their posts but they shall not get the benefit of regular promotion in this sub cadre.
28. Process of Appointment |-(1) Appointment in the basic cadre shall be done as follows:-
(i) There shall be direct appointment on the 50% posts of basic grade.
(ii) Rest 50% posts shall be filled up on the basis of limited competitive examination from amongst the teachers working in government schools at least for three years and having requisite qualification for the posts. Relaxation of 5 years shall be given in their upper age limit.



(iii) The posts of basic grade for appointment shall be done on the basis of subject wise vacancies and appointment shall also be done subject wise.

(2) Minimum educational and training qualification |- Post graduate qualification having 55% marks from a recognised university and requisite qualification in the specific subject with 55% marks in M.ED.

But that the department shall be competent to prescribe the specific qualification apart from the minimum educational and training qualification for the posts of different subjects.

(3) **Qualification - (i)** The minimum qualification for direct appointment shall be graduate or equivalent from any recognised university.

(4) The department will send the requisition to the commission by 30th April on the basis of the position of 1st April of every year calculating the 50% vacancies for direct appointment and 50% by promotion as per the roster.

(5) The commission shall advertise the Number of 50% vacancies for direct appointment on the basis of received requisition. The appointment will be done as per the recommendation of the commission based on the result of combined competitive examination.

But, if the commission is not in a position to hold examination in a particular year or for some years then the commission would be competent to hold examination jointly for that year or for the years in which examination could not be held.

But, this also that if the examination is held for more than one years according to the requisition, the commission could organise one examination for the year-specific or for the years together and the vacancies of the year-specific or vacancies of those years can be combined together for preparing the merit list of the candidates and in case of combined competitive examination of such years, it shall not



be necessary to prepare separate merit list for each recruitment year.

But in addition that in case of holding combined examination for the year-specific or for other years as a special circumstances, the candidates will be eligible to get relaxation in the maximum age limit given the candidate would have eligible for the year-specific for which a combined examination is being held.

(6) The department shall calculate the subject wise posts for appointment.”

11. Now, it is the case of the appellants that as per the Rule 26(4) of Rules of 2014, all such officers, who had been recruited or promoted and were working prior to coming into force of the said Rules were to be considered to be included in the sub-cadres of the services governed by the said Rules. It is contended that the appellants were already working against different posts in the cadre of Education Service, Research and Training/Teaching of Education Department of the State Government on the date when the rules were notified and, therefore, they are entitled for being considered to be included in the sub-cadre of the said services. It is the grievance of the appellants that when they made representations for their absorption in the Sub-Cadre, exercising option under Rule 27 of the Rules of 2014, the same was rejected by the respondent-authority solely on the ground that the appellants were working in the same cadre on deputation. The grievance of the appellants is that the learned Single Judge also not properly interpreted Rule 27 of the Rules of 2014 and, therefore, the present appeals have been filed.



12. At this stage, it is relevant to note that this Court vide interim order dated 23.03.2023 recorded the facts of the case as well as the submissions canvassed by learned counsels and thereafter directed the Additional Chief Secretary, Education Department, Government of Bihar to file an affidavit and clarify with regard to the provisions of the Rules in view of part 6 of the Rules, specifically Rule 51 of the Rules of 2014. Thereafter additional affidavit has been filed whereby the concerned authority has once again not entertained the claim of the appellants herein.

13. At this stage, we would like to refer the provision contained in Rule 26(4) of the Rules of 2014. As per the said provision, the officer who are recruited or promoted and working on the said posts or working on the posts prior to coming into force of the Rules were to be considered to be included in the sub cadres if the service is governed by the said Rules. However, from the materials placed on record, it would emerge that the appellants have not been recruited or promoted on the posts and they have been posted on deputation and, therefore, merely because they are working on the concerned posts on deputation basis, their claim for absorption in the sub cadres cannot be accepted. Hence, reliance upon Rule 26(4) of the Rules of 2014 is misconceived.

13.1. At this stage, interpretation of Rule 27 of the Rules of 2014 is required to be made. It has been specifically provided in



Rule 27 that the officers appointed/promoted and working on the above posts of this sub cadre and having the prescribed qualification of these posts shall give the option for inclusion in this sub cadre. In the present case, it is the specific stand taken by the respondent authority that the appellants were not appointed/promoted and working on the post of the sub cadre but they have been posted on deputation basis.

13.2. Rule 27 further provides that in case of having no qualification or not giving option for inclusion in this sub cadre or in case of working on deputation basis, such persons shall be reverted back to their own cadre. Thus, the appellants herein were not appointed/promoted on the posts but working on deputation basis and, therefore, as per Rule 27 of the Rules, they are required to be reverted back to their own cadre. It is the mandate of the statutory rule that requires repatriation of the persons who were working on deputation basis. From the language of Rule 27, it is evident that the rule making authority was conscious of the factual position that there were persons working on deputation basis against different posts falling in Research and Training sub cadre under the Rules and it was intentionally decided to repatriate them back to their own cadre. Now, it is the case of the appellants that though it has been written in the office order that the appellants were appointed on deputation basis, deputation allowance was not granted to them and, therefore,



in fact they were posted on regular basis on the posts in question. However, we are of the view that the said contention is misconceived. Firstly, the appellants never objected before the respondent authority when they were posted on deputation basis. They never made representation for grant of deputation allowance before the concerned respondent authority. Secondly, it is also not in dispute that the competitive examination was not conducted and, therefore, merely because the appellants were possessing the requisite qualification and they undergone the training, it cannot be said that they have been appointed on regular basis on the posts in question. Thus, we are of the view that when the appellants have been posted on the deputation basis, Rule 27 would be applicable and, therefore, the respondent authority has rightly rejected the claim of the appellants for their regularization/absorption in Research & Training sub cadre of the Bihar Education Service.

13.3. We are further of the view that the last portion of Rule 27 would also not be applicable to the case of the appellants who were appointed on deputation basis because of the fact that the Rule itself provides that officer who is working on deputation basis, he shall be reverted back to his own cadre. Hence it is not correct on the part of the appellants to contend that though they are posted on deputation basis, they shall remain on their posts but they shall not get benefit of regular promotion in this sub cadre. Such an



interpretation made by learned counsel for the appellants is also misconceived.

14. We have also gone through the reasoning recorded by the learned Single Judge while dismissing the petitions filed by the present appellants and we are of the view that the learned Single Judge has not committed any error while rejecting the petitions. Hence, no interference is required in the present appeals.

15. Accordingly, all these appeals stand dismissed.

(Vipul M. Pancholi, J.)

(Ramesh Chand Malviya, J.)

Pawan/Sanjay

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	11.07.2024
Transmission Date	NA

