

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.238 of 2025**  
**In**  
**Civil Writ Jurisdiction Case No.1003 of 2025**

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1. The State of Bihar through the Principal Secretary Education Department, New Secretariat Patna, Government of Bihar, Patna.
2. The Additional Chief Secretary Education Department Government of Bihar, New Secretariat, Patna.
3. The Director, Secondary Education, Govt. of Bihar, New Secretariat Patna,
4. The District Education Officer, Chhapra, Saran.
5. The Block Education Officer, Chhapra, Saran.
6. The Principal Sadhu Lal Prithvi Chand Plus 2 School Chhapra, Saran.

... .. Appellant/s

Versus

1. Rajesh Kumar Singh, Son of Ram Pujan Singh Resident of Village-Mashrak Barhiya Tola, Mashrak, P.S. - Mashrak, District- Saran Chapra.
2. Tapan Kumar Singh, Son of Rajbanshi Singh Resident of Village-Mirpurjuara, P.S. - Awatar Nagar, District- Saran (Chapra).
3. Vishal Prasad, Son of Nirmal Kumar Resident of Katra Khajanchi Mandir, P.S. - Chhapra, District- Saran, Chapra.
4. Savitri Kumari, Wife of Anshu Kumar Singh Resident of Village-Majalishpur, P.S. - Kopa, District- Saran Chapra.
5. Ram Kumar Chaubey, Son of Rameshwar Chaubey R/o Ashirwad Kumhar Toli, Shahpur Undi, Samastipur, Bihar- 848504.
6. Farrukh Rashid, Son of Tauhid Khan, R/o C-280/4, Fourth Floor Back Side, Thokar No. - 8, Shaheen Bagh, Jamia Nagar South Delhi, Delhi - 110025.
7. Manish Kumar, Son of Janardan Singh, R/o 56, Bagahi, Basantpur, Siwan, Bihar - 841406.
8. Girish Kumar, Son of Munnilal Singh, R/o Bangra, U.R.K. Bangra, Manjha, Gopalganj, Bihar - 841428.
9. Rajnish Kumar Singh, Son of Chandra Mohan Singh R/O Sewgar, Piania, Bhojpur Piania, Bihar-802210
10. Ajay Kumar, Son of Shankar Ray R/O Parauli, Siwan, Parauli Bihar-841416
11. Dharmjeet Prasad, Son of Ramjatan Prasad Village Pali, P.O. Gola Bazar P.O Kawakol, Dist -NAWADA Bihar-805106
12. Saroj Kumar Ray, Son of Rajkishor Ray, R/O Pitauri, Saran Bihar-841403
13. Satish Kumar, Son of Vina Ram R/O 608, Kashi Bazar, Gandhi Vidhalay, Ratanpur Vijdhar Gali, Chapra, Saran Bihar-841310
14. Vijay Kumar Singh, Son of Shiv Murat Singh R/O Torni, Torini Rohtas Bihar-821111



15. Vankat Raman Tiwari, Son of Dadan Tiwari R/O Ward-10, Mohania, Kaimur (BHABUA), Mohania, Bihar-821109
16. Suman Kumari W/O Arbind Kumar R/O Prem Nagar, Sabour Bhagalpur, Bihar-813210
17. Mirza Hedayatullah Baig, Son of Akhtar Hussain Baig R/O Garri, Dharbhanga Bihar-847303
18. Amit Aman Jyoti R/O Tejtola, Mohipal Nagar, Katihar, Bihar-854105
19. Deepa Kumari Daughter of Saroj Kumar R/O Shivpur Tikia Toli, Mahendru, Patna, Bihar-800006
20. Rita Kumari W/O Rajeev Ranjan Kumar R/O Bhagwan Mahavir Path, Lalkothi Jagdishpur, Bhagalpur Bihar-812002
21. Kaushlendra, Son of Brijnandan Prasad Singh, R/O Babhanbiga, Barbiga, Sheikhpura, Bihar-811101
22. Madhu Kumari W/O Saroj Kumar R/O Parsawan Patna, Bihar-8032
23. Aditya Kumar, Son of Bal Krishna Yadav R/O Thila Mohan, Ward No. 05, Rt Mohan, Araria, Bihar-854311
24. Nisha Kumari W/O Pankaj Kumar, R/O Bhartiya Nagar, Gaushala Road Musahari, Muzaffarpur, Bihar-842002
25. Md Juned Kalam, Son of Md Abul Kalam R/O Saguniya, P.O. Batsar Dhauriya, Banka, Bihar-813205
26. Md Rashid, Son of Mohammad Mumtaz Ahmad R/O Machipur, P.O.St Machipur, Thana Lodipur Agarpur, Bhagalpur, Bihar-813210
27. Nigar Hassan Daughter of Md Mumtaz Hassan, R/O 0090, Near Masjid Chowrah, Simaria, Bhagalpur, Bihar-812005
28. Ajay Kumar, Son of Arjun Kumar Ray, R/O Majhauri, Suhai, Sahpur, Saran, Bihar-841403
29. Pradeep Kumar Singh, Son of Mahadev Singh R/O Ward No. 01, Chilhar, Buxar Indaur, Bihar-802117
30. Varun Kumar, Son of Nandu Prasad R/O Ward No. 11, Sarvoday Nagar, Nokha, Rohtas, Bihar-802215
31. Saroj Kumar Singh, Son of Hanuman Singh, R/O Chhotki Chenari, Rohtas, Bihar-821113
32. Om Prakash Sharma, Son of Keshav Prasad Sharma R/O P.O.Khrahan, Ward No. 05, Atimi, Rohtas, Bihar-821310
33. Ravi Ranjan Kumar, Son of Anil Singh R/O Nimdihara P.O.St Karagahar, Nimdehra, Rohtas, Bihar-821107.
34. Nilesh Kumar Pathak, Son of Shyam Bihari Pathak R/O Pawai, P.S.- Mufsil Aurangabad, Aurangabad, Bihar-824102
35. Vikash Rai, Son of Ram Ashish Rai R/O Barki Ankorhi, P.S. Kargahar, Rohtas, Bihar-802215
36. Shailendra Kumar Singh, Son of Kaushal Kishor Singh R/O Gopalpur, Chilharua, Rohtas, Bihar-802213
37. Murlidhar Ray, Son of Ashmuni Ray R/O Bhawanipur, Yusuf Chak Takiya



- Sasaram, Rohtas, Bihar-821115
38. Abhay Prakash, Son of Ashok Kumar Singh R/O Baliya Kothi, Nasriganj, Rohtas, Bihar-821310
  39. Nagmani Singh, Son of Ram Pravesh Singh, R/O Kaithi, Kachhawan, Rohtas, Bihar-821310
  40. Santosh Kumar Singh, Son of Rajbansh Singh R/O Lalapur, Kudra, Kaimur (BHABUA) Kudra, Bihar-821108
  41. Rakesh Kumar, Son of Sanjay Kumar R/O Parsiya, Rohtas, Kochas Bihar-821112
  42. Anita Kumari W/O Rajnish Kumar Singh, R/O Raipur Chor, Chor, Rohtas, Bihar-821113
  43. Rajeev Ranjan Kumar, Son of Rampravesh Mishra R/O Durga Chauk Paschim Patti Ward No 12, Nokha, Rohtas, Bihar-802215
  44. Kumari Neelu Singh W/O Rajesh Ranjan, R/O Kon, P.O.- Bhaluahain, Ward No. 15, Nokha, Rohtas, Bihar-802215
  45. Raju Ranjan, Son of Bishwanath Singh R/O Gaurakshani Sasaram Rohtas, Bihar-821115
  46. Harendra Kumar Tripathi, Son of Rang Nath Tripathi R/O Kuri, P.O.- MEYARI Bazar, Nokha, Kuri, Rohtas, Bihar-802217
  47. Sandeep Kumar Verma, Son of Ashok Kumar Verma, R/O Bari Tola, Ward No. 22, Buxar, Bihar-802101
  48. Nirbhay Kumar Ray, Son of Parshuram Ji Ray R/O Mohalla Maharaja, Hata P.O.St Nawada, Arrah, Bhojpur, Bihar-802301
  49. Jitender Kumar, Son of Ram Subhag Singh, R/O Bairi, P.O.- Karmaini Bairi, Rohtas, Bihar-802220
  50. Subash Rai, Son of Bashishth Muni Ray R/O Doman Dihra, Khanani Kala Doman Dehra, Bhojpur, Bihar-802202
  51. Shankar Paswan, Son of Kail Paswan R/O Chenari, Rohtas, Bihar-821104
  52. Novnit Kumar Aarya, Son of Shivbachan Paswan R/O 52a, Simri Bakulaha Patti Simri, Buxar, Bihar-802135
  53. Shashi Prakash Sharma, Son of Ramlal Thakur, R/O Mansagar, Bhojpur, Bihar-802223
  54. Dhananjay Kumar Pandey, Son of Pawan Pandey R/O Rampur Milki, Ganghar, Bhojpur Bihar-802312
  55. Rakesh Kumar Pandey, Son of Chandra Bhushan Pandey R/O Surungapur, Kori Bhojpur, Bihar-802164
  56. Hemant Kumar Sharma, Son of Upendra Sharma R/O Dhanchhuan, Bhojpur, Bihar-802208
  57. Shephali Kumari Daughter of Brij Bihari Singh, R/O South Of Maharaja College Nawada, Arrah, Bhojpur, Bihar-802301
  58. Pawanesh Nandan, Son of Satyanand Prasad R/O Karman Tola, Arrah Bhojpur, Bihar-802301
  59. Om Prakash Singh Yadav, Son of Mahendra Singh Yadav R/O Ward No.



01. Station Bypass Road Dumraon, Buxar, Bihar-802136
60. Jiut Kumar Gupta, Son of Prabhu Nath Sharma R/O Ward No-04, Teghra Bhojpur, Bihar-802154
61. Naved Akther, Son of Md Muzaffar Nasim Kadri R/O Rani Sagar, Bhojpur, Bihar-802165
62. Vivek Kumar Tripathi, Son of Shivdatt Tripathi R/O Mathurapur, Bhojpur, Nawada Ben, Bihar - 802162.
63. Neel Kamal, Son of Kamleshwar Singh R/O 238/B Bihari Mill, Near Shiv Mandir, Arrah, Bhojpur, Bihar-802301
64. Vijay Kumar Sah, Son of Sita Ram Sah R/O Takth Bhithi, Bhithi Bazar Saran, Bhithi, Ahabuddin, Bihar-841411
65. Farah Naz Daughter of Saghir Ahmad R/O Kilaghat, Near Iti College, Shubhankarpur, Musapur, Dharbhanga, Bihar-846006
66. Sunil Kumar, Son of Shio Nandan Singh R/O Natwar Road, Dhangi Tola, Bikramganj, Rohtas, Bihar-802212
67. Raghwendra Nath Pandey, Son of Sita Ram Pandey R/O Pandeypur, Nimez, Buxar, Bihar-802130
68. Pawan Kumar Dubey, Son of Rajendra Dubey R/O Unwas, Itarhi, Buxar, Bihar-802123
69. Vijay Kumar, Son of Upendra Mahto R/O Harpur Ailoth, Samstipur, Bihar-848101
70. Mirza Saba Alam Baig, Son of Mirza Yousuf Baig R/O Garri, Gadari, Darbhanga Bihar-847303
71. Santosh Kumar, Son of Shivshankar Thakur R/O Maharshi Mehi Nagar, Bihari Ganj Madhepura, Bihar-852101
72. Rakesh Kumar, Son of Bindeshwari Prasad Sahni R/O Mirzapur, Rosera, Samastipur, Bihar-848210
73. Soni Kumari W/O Kumar Gaurav R/O Ward 13, Vishnupur Titidha, Bishunpur Bishunpur Rae Urf Titra, Vaishali, Bihar-844502
74. Sanju Kumari W/O Mukesh Kumar Dumaria R/O Dumaria, Bujurg, Parbatta Khagaria, Bihar-851216
75. Sanjeet Kumar Choudhary, Son of ofhareram Choudhary R/O Hasanpur, Khanpur, Samastipur, Via - Rosera, Bihar-848210
76. Navin Kumar Pal, Son of Rajkumar Pal R/O Ward No. 12, Punama Dhrampur, Hayaghat, Kalwara, Samastipur, Bihar-847301
77. Arti Kumari W/O Ashok Kumar P.O.Ddar R/O Ward No. 07, Sultanpur, Ghath Ho, Samastipur, Bihar-848114
78. Pramod Kumar, Son of Pasupati Lal Karn R/O Gandhi Nagar, Laxmisagar, Milki Darbhanga, Laxmisagar, Bihar-846009
79. Kumari Visharda W/O Balmukund Kumar At P.O.St- Tulsipur (NEAR Kali Mandir) P.S.-KHARIK Bazar, Sub Bhagalpur, Bihar-853202 Division-Naugachia
80. Sudhir Kumar Sudhakar, Son of Ram Narayan Bhagat R/O Ward No. 02,



- Ramphal Sah Tola, Saharsa, Bihar-852201
81. Surya Prakash, Son of Dr. Jagannath Prasad R/O Near Pappu Yadav Residence, Purnea Court, Purnia, Bihar-854301
  82. Rinku Kumar Yadav, Son of Late Subodh Kumar Yadav R/O Belown Dhangi, Dakhi, Katihar Balia, Belon, Bihar-855113
  83. Sanjay Kumar, Son of Boku Yadav R/O Ward No. 01, Nolakhiya, Madhepura, Madhepura, Bihar-851123
  84. Ajay Kumar Verma, Son of Jai Prakash Verma R/O Hardayal Road, Near K.T. Gali Ward No. 21, Dist- Katihar, Bihar-854105
  85. Sweta Kumari Daughter of Ashok Kumar Mandal R/O Lal Kothi Road, Katihar, P.O.-Katihar, Dist-Katihar, Bihar-854105
  86. Preetam Kumari W/O Avadhesh Kumar Vijay R/O Gurhatta, Near Madhav Medical Hall Panna Mille Road, Kutubganj Bhagalpur, Bihar-812005
  87. Neha Kulkarni Daughter of Satish Prasad Thakur R/O Mangal Bazar, Churi Patti Katihar, Katihar, Bihar-854105
  88. Abhay Kumar Aman, Son of Yogendra Pandit R/O Ward No.12, Near Kali Mandir, Baghara Puraini Bansgopal, Madhepura, Puraini Bazar Bihar-852116
  89. Vijay Kumar Sahni, Son of Ganga Nand Sahni R/O Ward 01, Sakarpura, Samastipur Bihar-848205
  90. Prakash Kumar, Son of Prem Kumar Mishra, R/O Vill And P.O.-NOAWAN, Jehanabad, Bihar-804429
  91. Pramod Kumar Mehta, Son of Gyandev Mehta R/O Ward No-01, Vill-Domahan, Dighiya Nirmali, Supaul, Bihar-852131
  92. Shivesh Kumar, Son of Ram Giri Pal, R/O Dharampur, Samastipur, Bihar-848101
  93. Sharawan Kumar Roy, Son of Ganesh Yadav R/O Ward No. 06, Bikramsher, P.O.St- Mauahi, Mahuahi, Madhubani, Bihar-847224
  94. Santosh Kumar, Son of Babu Ji Mandal R/O Ward No. 05, P.O- Tiraskund, Lahsanganj, Araria, Bihar-854318
  95. Santosh Kumar Mandal, Son of Laxmi Mandal, R/O Satlakha, Madhubani, Bihar-847238
  96. Amresh Kumar Amar, Son of Baidya Nath Yadav R/O Ward No. 08, Radha Kant, Seli Beli, Madhubani, Bihar-847226
  97. Dharendra Pratap Singh, Son of Ram Adhar Yadav, R/O Ward No. 18, Kasba Ahar, P.O.- Tajpur, Samastipur, Bihar-848130
  98. Kalyani Kumari W/O Nandeswar Lal Das R/O Chitr Gupt Colony, Madhubani, Madhubani, Bihar-847211
  99. Khushbu Kumari W/O Praveen Prakash R/O Kachhuua, P.O.- Chakauti, P.S.- Jale, Dist- Dharbhanga, Bihar-847307
  100. Narmadeshwar Kumar Dhir, Son of Chandeshwar Mahto R/O Govindwari Darori, P.O.St-Karua, Budakpur, P.S- Chakmeshi, Samastipur, Sormar Baghla, Bihar-848125



101. Pramod Kumar Mehta, Son ofbrahamdev Prasad Mehta R/O Ward No 12, Bisfi, Parsauni, Madhubani Bihar-847223
102. Praveen Kumar, Son of Manoj Kumar R/O Kurji Balupar, Sadaquat Ashram Patna, Bihar-800010
103. Ravi Shankar Kumar, Son ofram Naresh Pandey R/O Hanuman Nagar, S.K. Nagar Ahri East of Kushwaha College, Aurangabad Bihar-824101
104. Abhinaw Kumar Verma, Son of Mathura Prasad Verma R/O Ajab Bigha, P.O.-Aroura, P.S.- Deo Aroura, Aurangabad, Deo, Bihar-824202
105. Arvind Kumar, Son of Ashok Kumar Gupta R/O Maulabagh, Ward No. 19, Daudnagar Aurangabad, Bihar-824143
106. Ranjeet Kumar, Son of Ram Vinod Sharma R/O Arai,P.S- Daudnagar, Aurangabad, Bihar-824143
107. Arbind Kumar, Son of Jagdish Singh, R/O Lakshan Bigaha, Puna Puna Kalan, Gaya, Paraiya, Bihar-824209
108. Rajiv Ranjan Pandey, Son of Nirmal Pandey R/O Shailwa, P.O.- Nagmatia, P.S.- Madanpur, Sailwa, Aurangabad, Bihar-824208
109. Shashi Shekhar, Son of Lal Babu Singh R/O Kehora, Gaya, Bihar-824236
110. Ambujprakash Ranjan, Son of Rajendra Chaudhary R/O Bhajan Bigha, P.O- Piroo.P.S-Haspura Aurangabad, Bihar-824120
111. Sonu Kumar, Son of Ramlagan Yadav R/O Kashichak Bhawanipur, Nawada, Bihar-805130
112. Chandrabhushan Tiwary, Son of Jagdish Tiwary R/O Kutumba, P.O.- Kutumba, Aurangabad, Bihar-824123
113. Bipin Kumar Sinha, Son of Jagnarayan Prasad R/O Vill. And P.O- Dhangain P.S.- Jamhor, Aurangabad, Bihar-824124
114. Anil Kumar Singh, Son of Dayashankar Prasad Singh R/O Quarter No- 1435, Sector-6/D Bokaro Steel City, Jharkhand, 827006
115. Ajeet Kumar Singh, Son of Bharat Singh R/O 34, Bahera, P.O-Nasej, P.S.- Kudra, Dist-Kaimur (BHABUA), Bihar-821108
116. Divakar Prasad, Son of Badri Prasad R/O Rajwara, Karsawan, P.O.- Karsaon Dist- Aurangabad, Bihar-824121
117. Kumari Jyotsna W/O Rajeev Kumar R/O Shree Jaynandan Pandey, Near Shikchak Sangh, Shri Krishna Nagar, Aurangabad, Bihar-824101
118. Moni Kumari W/O Sheo Shankar Prasad Sudhakar R/O Raja Bagha, Near R.B.R High School, Rafiganj, Aurangabad, Bihar-824125
119. Chandan Kumar Singh, Son of Narendra Kumar Singh R/O Bypass Mg Road, Jagdev Nagar Aurangabad, Bihar-824101
120. Shahzada Ali, Son of Jahangir Alam R/O Munshi Mohalla, Nawadih Road, Aurangabad, Bihar-824101
121. Riya Kumari W/O Sanjay Kumar Saw R/O Deoriya, Rustam, P.O.- Unthu P.S.-PHESAR, Deuria, Aurangabad Bihar-824121
122. Amit Kumar, Son of Vijay Singh R/O Near Over Brize, New Area Bypass Chowk, Aurangabad, Bihar-824101



123. Kunal Kumar, Son of Janeshwar Singh R/O 10, Teri, P.O.- Sonnagar, Son Nagar, Aurangabad, Bihar-824112
124. Prem Kishor, Son of Bijay Sharma R/O Dadawan, P.O.- Dadawan, Parasi, Aurangabad, Bihar-824203
125. Ashish Ranjan, Son of Shankar Prasad Verma R/O Bishun Pakka More, Purani Quila Siwan, Bihar-841226
126. Tuntun Prasad Diwakar, Son of Ramashray Yadav R/O Baidyanathpur, Rosera Samastipur, Bihar-848210
127. Om Prakash, Son of Dharmdeo Singh R/O P.O.- Sakaddi, P.S.- Jalalpur, Saran, Chapra, Bihar-841412
128. Ruby Kumari Daughter of Rajkumar Ram R/O Masti Chak, Saran, Bihar-841219
129. Sunil Kumar, Son of Vishwanath Ray R/O Dariyawganj, P.O.-Gultenganj Saran, Bihar-841211
130. Gaurav Kumar Pandey, Son of Jitendra Kumar Pandey R/O Ward No. 06, Daulatganj, Naka No. 05, Chapra, Saran, Bihar-841301
131. Nirmala Kumari Daughter of Rameshwar Manjhi, R/O 27, Nagina Singh K Gali, Dahiyawa, Chapra, Saran, Bihar-841301
132. Shashi Kap.O.Or Ram, Son of Sajjan Ram R/O Vill-Saryupar, P.O.- Bharhopur Ekma, Saran, Bihar-841208
133. Ramsharan Yadav, Son of Bino Yadav R/O Vill-Habunagar, P.O.-HILSA P.S.-Chandradeep, Islamnagar, Aliganj, Jamui, Bihar-811301
134. Nandlal Prasad, Son of Birahaspali Tanti R/O Mahuli, Gidhaur, Jamui, Bihar-811305
135. Birendra Prasad, Son of Late Nanadlal Prasad R/O Kurmuri, P.O.- Dhanama, Karandey Sheikhpura, Bihar-811304
136. Divya Kumari W/O Sanjay Kumar R/O Par Nawada Dobhara Par, Near P.O.Wer Sub Station, Nawada, Bihar-805110
137. Durgesh Nandan, Son of Siya Ram Ojha R/O Mor West, Mor (PART In Mokameh) Patna, Bihar- 803302
138. Rajeev Ranjan, Son of Rambalak Prasad, R/O Vill-Gangta, P.O.-Kharthua, P.S.-Harnaut Dist-Nalanda, Bihar-803110
139. Sweta Kumari Daughter of Rajendra Paswan R/O Vill-Pipra, P.O.- Adhwan, Adhwan Pipra, Gaya, Bihar- 805131
140. Kshitij Kumar Patel, Son of Chandrika Prasad R/O Chandipur, P.O.- Ranipur, Nalanda, Bihar-801301
141. Jeetendra Bhushan Vidhyarathi, Son of Munshi Sao, R/O Alinagar, Biharsharif Nalanda, Bihar-803101
142. Pushpa Kumari W/O Sanjay Kumar R/O Bhaisasur, P.O.- Biharsharif P.S.- Laheri, Bihar Sharif, Nalanda, Bihar-803101
143. Jyoti Rani W/O Dinesh Kumar R/O 1054, Kaghzi Mohalla, Dakbangla Road, Biharsharif, Nalanda, Bihar-803101
144. Arpana Sinha W/O Arvind Kumar R/O 42, Kagaji Mohalla, Bihar Sharif



Sohasarai, Nalanda, Bihar-803118

145. Amisha Kumari W/O Sachin Ashish R/O Ranchi Road, Near Devi Asthan, Moh Bhaisasoor, Bihar Sharif, Nalanda, Bihar-803101
146. Seema Sinha W/O Ripunjay Kumar, R/O Giryak, Bahabalpur, Giriak, Nalanda Bihar-803109
147. Ramraj Kumar, Son of Saryug Prasad Singh R/O Basti, Nalanda, Bihar-803110
148. Bibha Kumari C/O Ramjee Prasad Singh, R/O Nahub, P.O.- Nahub, Ward No. 02, P.S.- Rajgir, Nahub, Nalanda Bihar-803116
149. Koushal Kishor Thakur, Son of Nageshwar Thakur R/O Narkatia, Kharik, Bhagalpur, Bihar-853201
150. Vijay Kumar Verma, Son of Mahesh Nandan Prasad Verma R/O Navneet Nagar, Baigna Katihar, Bihar-854105
151. Ranjan Kumar, Son of Parmeshwar Mukhia R/O Phulwaria, Phulwaria Milik Katihar, Marwa, Bihar-854104
152. Savita Rani W/O Pankaj Kumar Singh R/O New Market Road, Amla Tola, Katihar, Bihar-854105
153. Dilnawaz Ahamad C/O Md Fahim Akhter R/O Raiyanpur, P.O.- Mahinagar, P.S.- Balia Belown, Mahinagar, Barsoighat Kadwa Katihar, Bihar-854317
154. Alok Kumar C/O Daso Prasad R/O Vill-Koshlafatehpur, P.O.- Koshla, Koshla, Nawada, Bihar-805109
155. Manjeet Kumar, Son of Daroga Ray R/O Kasina, P.O.- Gopur, Gorkha, Saran, Bihar-841311
156. Lalan Kumar, Son of Rajendra Prasad Yadav R/O Ward No. 11, Vill-Laksminarayan Tiri, T. Dhanchhoa, Saharsa, Bihar-852121
157. Amit Kumar, Son of Rajkishor Ray R/O Magurahan, Masrakh, Saran, Bihar-841417
158. Ashutosh Kumar, Son of Maheshwar Singh R/O Inai, Saran, Bihar-841301
159. Pramod Kumar Ram, Son of Ramadhar Ram R/O Vill-Shreenagar, P.O.- Saidpura, Saidpura, Siwan, Saidpura, Bihar-841439
160. Priyanka Kumari W/O Ravindra Kumar Shrivastava R/O Maksudpur, Sasamusa, Gopalganj, Bihar - 841505.
161. Anil Kumar, Son of Tarkeshwar Prasad Chaurasiya, R/O Narharpur, Saran, Bihar-841443
162. Anil Kumar Yadav, Son of Ramnath Yadav R/O Chota Telpa, Gandhi Chow, Chapra, Saran, Bihar-841301
163. Nirbhay Singh, Son of Samrendra Singh R/O Dumriya, Dumaria Dhampakar, Gopalganj, Bihar-841428
164. Ramayan Prasad Yadav, Son of Late Ram Prasad Ray R/O Enayat Nagar, Rasulpur, Vaishali Goraul, Bihar-844118
165. Abhishek Kumar Tiwary, Son of Ashok Kumar Tiwary Ro Saran, Taraiya, Bihar-841424.
166. Mohammad Shamim, Son of Md. Mushtafa Kamal R/O Vill-Bhat Walia,



- Saran, Baniapur Bihar-841443
167. Shashikant Kumar, Son of Shatrughan Thakur R/O Ward No. 03, Semariya Revelganj, Saran, Bihar-841305
  168. Raju Kumar Kushwaha, Son of Shivbachan Bhagat R/O Mirzapur, Sonbarsa, Barauli, Gopalganj, Bihar- 841405
  169. Rajesh Kumar Singh, Son of Ramkrite Prasad Thakur R/O Near Kalakrite Bhawan, Nayi Basti Mahadeva, Sewan, Bihar-841226
  170. Jitendra Kumar Gupta, Son of Madan Sah R/O Harpur, Manikpur Gopalganj, Bihar-841428
  171. Dheeraj Kumar, Son of Late Brajkishor Tiwari R/O Salehpur, P.O.- Amarpura Dist-Gopalganj, Bihar- 841423
  172. Rohit Kumar, Son of Late Birbal Das R/O Nipaniya, Nipanian, Saran, Salempur, Bihar-841411
  173. Sanju Kumari W/O Harilal Prasad R/O Lachhwar, P.O.-LACHHWAR Gopalganj, Bihar- 841440
  174. Jitendra Prasad, Son of Ramchandra Prasad R/O Sarar, P.O.- Achhaibar Pipra, Gopalganj, Bihar-841405
  175. Rupa Kumari W/O Rajesh Kumar R/O Vill-Ambika, Bigha, Odhanpur, Nawada, Bihar-805123
  176. Sarita Kumari W/O Ranjay Kumar R/O Chak Dharampur, Warisaliganj, Nawada, Bihar- 805130
  177. Smita Kumari W/O Krishna Prasad R/O Malawan, Asthawan, Nalanda Asthawan, Bihar- 803107
  178. Naveen Kumar C/O Ashok Kumar R/O Pacheya, Nardiganj Nawada, Bihar- 805109
  179. Shanni Kumar, Son of Ravindra Kumar Sharma R/O Vill-New Area, Nawada, P.O-Nawada, Gondapur, Nawada, Bihar-805110
  180. Ranjit Kumar, Son of Shivnandan Pandit R/O Gondapur, Nawada, Bihar- 805110
  181. Raman Kumar, Son of Chandeshwari Sahu R/O Sahu Parbatta, Ward No. 09, Khagra, Naugachia, Bhagalpur, Bihar-853204
  182. Birendra Kumar P.O.Ddar, Son of Jaydeo P.O.Ddar, R/O Nya Tola, Bhawanipur, Ward No-17, Naugachhia, Bhagalpur, Bihar-853204
  183. Digambar Kumar Jha, Son of Vijay Jha R/O Navtoliya, Latra, Gopalpur Bhagalpur, Bihar-853204
  184. Raj Kumar, Son of Rupan Saw R/O Gopalpur, Naubatpur, Patna, Bihar- 801109
  185. Yugeshwarji Vidyarthi, Son of Yogendra Prasad R/O Rewari, Saran, Bihar- 841213
  186. Md. Reyaz Alam, Son of Abdul Majid R/O Maliyatola Road, P.O.- Mirpur, East Champaran, Bihar-845415
  187. Nagma Khaton W/O Sajid Anwar R/O Naya Tola Dhaka, Dhaka, East Champaran, Bihar- 845418



188. Kumar Abhishek Raj, Son of Vinod Kumar Verma R/O Gangapipar, East Champaran, Bihar-845418
189. Sudheer Kumar, Son of Jagdeo Prasad R/O Ward No. 10, Bairiya, Kharhua Chainpur, East Champaran, Bihar-845304
190. Lokesh Kumar, Son of Vijay Shankar Prasad Shahi R/O Birpur, Ward No. 3, Birpur, Kanti Muzaffarpur, Bihar-843109
191. Gaurav Kumar, Son of Suresh Prasad R/O Gram Jhikarua, Hisua P.O.-Hisua, Dist- Nawada, Bihar-805103
192. Kumar Pallav Krishna, Son of Shrikrishna Singh R/O High School, Rampur Diara, Rampur Diara, Patna, Bihar-801108
193. Ajeet Kumar, Son of Harish Chandra Pandey R/O Vill And P.O.-Churamanpur, Dist- Buxar, Bihar-802116
194. Mukesh Kumar, Son of Ram Chandra Pandit R/O Jalalpur, Saran, Bihar-841211
195. Pranav Kumar, Son of Shyam Sundra P.O.Ddar Suman R/O Sipahi Tola, Purnea, Bihar-854301
196. Surendra Choudhary, Son of Bhagwan Choudhary R/O Masoonganj, Thana- Bhagwan Bazar Chapra, Saran, Bihar-841301
197. Sanjay Kumar Sharma, Son of Ram Nagina Sharma R/O 37 Ward No. 14, Banarsi Tola, Kateya Road, Bihiya, Bhojpur, Bihar-802152
198. Vivekanand Chaubey, Son of Ravindra Nath Chaubey R/O Bramah Asthan, Agrer Khurd, A Kala, Rohtas, Bihar-802226
199. Ashish Ranjan, Son of Yadunandan Prasad R/O Ward No. 13, Near Shakuntala Bhawan Mohalla- Satsang Nagar, P.S.- Sherghati, Gaya, Bihar-824211
200. Rekha Kumari W/O Mukesh Kumar Shandilya R/O Mohalla-Hatiya Mohalla, Thana-Sherghati, Gaya, Bihar-824211
201. Puja Kumari Daughter of Birendra Prasad Agrawal R/O At Tankuatarnd, Dacbangla Tana Road P.O. and P.S.- Rajauli, Nawada, Bihar-805125
202. Pratosh Kumar, Son of Nandlal Prajapati R/O Nawtaridih, Bodhgaya Gaya, Bihar-824231
203. Chintu Kumar Akela, Son of Krishna Prasad R/O Durga Mandir, Gewal Bigha, Bangali Colony, Gaya, Bihar-823001
204. Anup Kumar Himanshu, Son of Ramyatna Singh R/O Hanuman Mandir, Ghaghar Mohabbatpur, Sherghati Gaya, Bihar-824211
205. Sunil Kumar, Son of Ramdeo Yadav R/O Vill-Uttrain Tola, Beli P.O.- Uttrain, Gaya, Bihar- 824207
206. Satyendra Prasad, Son of Mungeshwar Prasad R/O Vill- Hichhapur, P.O.- Madhopur Hichhapur, Gaya, Bihar-824236
207. Anuradha Singh W/O Mukesh Kumar Singh, R/O 158, A P Colony, P.O.- Rampur Gaya, Bihar-823001
208. Chandra Kala W/O Munnu Kumar R/O 169, Vir Kunwar Singh Colony Road No. 13, Near Asha Steel Box, P.S.-MAGADH Medical, Gaya, Bihar-823004



209. Kumari Raushni Sinha C/O Rana Mukesh Kumar Solanki R/O 63, Janta Flat, Housing Board Colony Gaya, Bihar- 823001
210. Priyanka Kumari Daughter of Ramesh Prasad R/O Makhdumpur, P.O.- Harhi Makhdumpur Mau, Gaya, Bihar-824235
211. Neeraj Kumar, Son of Nand Kishor Sharma R/O Kishor Bhawan, Lakhibag, Manpur, Gaya, Bihar- 823003
212. Anil Kumar Chanchal C/O Bisheswar Ram, R/O Vill-Pahadpur, P.O.- Dariaura **Vtc-Karamdih**, Sub Division- Amas, Gaya, Bihar-824211
213. Raushan Kumar C/O Satish Chandra R/O Vill- Shripur, Ward-05, P.O.- Shripur, Gaya, Bihar- 824233
214. Ajay Kumar Pandit, Son of Ramchandra Pandit R/O Majhaura Middle School, Ward No. 01, Barahra, Supaul, Bihar- 847452
215. Ram Kumar Mandal, Son of Satya Narayan Mandal R/O Ward No. 08, Vill-Mungaraha, P.O.-MUNGARAHA, P.S.- Marauna, Nirmali Supaul, Bihar- 847452
216. Kharanand Yadav, Son of Lakshan Yadav R/O Ward No. 04, Belhi, Bhawanipur, P.O.-NARAHIYA, Madhubani, Bihar-847108
217. Putu Kumar Singh, Son of Vijay Singh R/O Vill And P.O.-CHORAU LI, Siwan, Bihar-841406
218. Birjees Zahera Tabassum W/O Md. Nazre Imam R/O Salapatganj, Chapra, Saran, Bihar-841301
219. Manish Kumar, Son of Shankar Prasad Gupta R/O Saidpur, Parsa, P.O.- Parsa Saran, Bihar-841219
220. Alok Kumar Dubey, Son of Prabhunath Dubey R/O Vill-Hajiyapur, Ward No. 09, Amaithi Kala, Gopalganj, Bihar-841428
221. Kumar Brij Kishor, Son of Rama Kant Singh R/O Bharwalia, Jaitpur, Saran, Bihar-841205
222. Kamalesh Kumar Thakur, Son of Krishnath Thakur. R/O Bari Deoria, Deoria, Repura, Hathua, Gopalganj, Bihar-841436
223. Bipin Bihari Kumar, Son of Birendra Singh R/O Rajokhar Tola, Manguraha Rajokhar, Gopalganj, Bihar-841428
224. Avijeet Kumar, Son of Arun Kumar Yadav R/O Gandhi Aashram, Hajipur, Vaishali, Bihar-844101
225. Bipin Bihari, Son of Kanhaiya Prasad R/O Shiv Mandir, P.S.- Muffasil Chapara, Bazidpur, Saran, Bihar-841316
226. Ajit Kumar, Son of Vidya Pati Sinha R/O Rup Ganj, Karim Chowk, P.O.- Chapra, Saran, Bihar- 841301
227. Rahul, Son of Birendra Prasad Singh R/O Gorhna, Saran, Bihar-841421
228. Shashi Kant Shashi, Son of Krishna Kumar Sah R/O Adarsh Colony, Shyam Chak P.O.-Chapra, P.S.- Bhagwan Bazar, Chapra, Bihar-841301
229. Jagdish Prasad Suman, Son of Ishwari Yadav R/O Kewatna, Madhubani, Bihar-847402
230. Shashikant, Son of Mukutlal Yadav R/O Ward No. 12, Madhaili Bazar



- Jirwa, P.O.- Madhaili, Shankarpur, Madhepura, Bihar-852128
231. Ramesh Kumar Das, Son of Nageshwar Das R/O Vill-Parsa, P.O.- BATHAN Parsa, Shankarpur, Madhepura, Bihar-852128
  232. Ashok Kumar Yadav, Son of Nunulal Yadav R/O Bathan Parsa, Ward No. 07, P.O.-Shankarpur, Madhepura, Bihar-852128
  233. Bidhan Chandra C/O Jawahar Prasad Yadav R/O Ward No. 07, Moura Ramnagar P.O.- Moura Ramnagar, Shankarpur, Madhepura, Bihar-852128
  234. Nibedita Kumari W/O Sanjiv Kumar R/O Ward No. 13, Kabiyaahi, Maura Ramnagar, Madhepura, Bihar-852128
  235. Ajay Ajanta, Son of Chandeswari Pd Yadav R/O Ward No. 14, Shankarpur Madhepura, Bihar-852128
  236. Shadhana Kumari W/O Suresh Ram R/O 14, Sonvarsha, Shankarpur Madhepura, Bihar- 852128
  237. Ramshlok Singh, Son of Ramvilas Singh R/O Gopalpur, Chaknai, Gobindpur Gokhula, Vaishali, Bihar-844503
  238. Sanjay Kumar, Son of Mangal Ray R/O Akbarpur, Puraina, Sathiauta Bhagwan, Vaishali, Bihar-844123
  239. Ravi Prakash, Son of Kapil Deo Singh R/O Yeshodayan, Tangaul, Hajipur, Vaishali, Bihar- 844101
  240. Chandra Prakash Sharma, Son of Bindeshwari Prasad Sharma R/O Govindpur, Manpur, Saran, Bihar-841414
  241. Sonu Kumar, Son of Rajendra Prasad R/O Shantinagar, Rathour Tola P.O.- Gurukul Mehiyan, Chapra Saran, Bihar-841301
  242. Nesar Ahmad, Son of Gaffar Ansari R/O Imadpur, Matiyar Saran, Bihar-841209
  243. Musarrat Jahan C/O Md Ayub R/O Bisahi. Masti Chak Saran, Bihar-841219
  244. Nibha Kumari W/O Anupam Raj R/O Vill And P.O.-KATALPUR, Gopalganj, Bihar-841420
  245. Deepak Kumar Baitha, Son of Jaglal Baitha R/O Paharpur, Chhangur, Gopalganj, Bihar-841501
  246. Archana Kumari Daughter of Shashi Bhushan Singh R/O 819, 02, Infront of Transformer Magadh Colony, Gaya, Bihar-823001
  247. Indrajeet Kumar, Son of Manoranjan Prasad Singh R/O Ali Road (Hatiya Gachi), Ward No. 31, Saharsa, Bihar-852201
  248. Alock Kumar, Son of Shiv Nandan Jha R/O Devi Hari Dasi Lane, Simargarha Bilasi Town, Deoghar, Jharkhand-814112
  249. Deenbandhu Kumar, Son of Nandkishor Yadav R/O Acharaj (Bounsi) Banka, Bihar-813104
  250. Puranjan Kumar Yadav, Son of Bhola Prasad Yadav R/O Vill And P.O.St-Warsabad, Banka, Bihar-813211
  251. Prem Shankar Mandal, Son of Bhagawat Mandal R/O P.O.-JAIPUR, P.S.- Katoria, Vill-Baradbehra, Tola-Jaipur, Banka, Bihar-813106



252. Vinita Ojha' Daughter of Abhay Ojha R/O Lalita Bhawan, Vill-Maghar Sultanpur, Siwan, Bihar-841417
253. Nimesh Kumar, Son of Naveen Prasad Singh R/O Ward No. 05, Near Middle School, Ramdiri, Nakti, Begusarai, Bihar-851129
254. Priyadarshi Kumar, Son of Amarnath Thakur R/O P.O.- Labhar Chak, P.S.- Matihani Nakti Tola, Begusarai, Bihar-851129
255. Kavita Kumari, Daughter of Bishun Deo Singh R/O Ward No. 11, Bihat, Begusarai, Bihar-851135

... .. ResP.O.ndent/s

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**Appearance :**

For the Appellant/s : Mr. P. K. Shahi, Advocate General  
Mr. Anjani Kumar, AAG-4  
Mr. Sanjay Kumar (AC to AAG- 4)

For the Resp. Nos. 1 to 4 : Mr. D. K. Sinha, Sr. Advocate  
Mr. Purushottam Kumar Jha, Advocate

For the Resp. Nos. 5 to 255 : Mr. Pawan Kumar, Advocate  
Mr. Lalit Kumar, Advocate  
Mr. Dharendra Singh, Advocate  
Mr. Manish Kumar No.13, Advocate  
Mr. Rohit Kumar, Advocate  
Mrs. Nitu Kumari, Advocate  
Mrs. Shreya, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE HARISH KUMAR**  
**CAV JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)**

**Date : 05-05-2026**

We have heard Mr. P. K. Shahi, learned Advocate General as well as Mr. Anjani Kumar, learned AAG-4 for the appellants. Mr. D. K. Sinha, learned Senior Advocate appearing on behalf of the original respondents-writ petitioners; as also Mr. Pawan Kumar and Mr. Lalit Kumar, learned Advocates for all the intervenors.

2. The present intra court appeal has been preferred under Clause X of the Letters Patent under Patna High Court



Rules, 1916 against the judgment/order dated 27.01.2025 passed by the learned Single Judge of this Court in C.W.J.C. No. 1003 of 2025, whereby the learned Court has been pleased to allow the writ petition by holding as follows:

*“11. The petitioners can not be terminated by any executive order, as such, the directives contained in Letter No.352 dated 30.03.2024 cannot override the government notification dated 08.02.2018, which has been issued after approval of the Governor of Bihar. Accordingly, the impugned letter no.325 dated 30.03.2024 cannot be sustained in the eye of law.*

*12. The competent authorities are directed to rectify their action forthwith and pass a reasoned order after giving due opportunity of hearing to all the affected persons in accordance with law.”*

3. The short facts, which led to the filing of the present appeal are in a narrow compass:

The Government of Bihar in the Department of Education vide its Resolution No. 51 dated 25.01.2018 on account of non-availability of Assistant Teachers of English, Mathematics, Physics, Chemistry, Zoology and Botany in the Government, Government Aided and Up-graded Secondary School resolved to hire the services of Guest Teachers on a fixed honorarium. In the light of the aforesaid decision, altogether



4257 vacant posts were advertised for the post of Guest Teachers, having requisite qualification prescribed therein on a fixed honorarium. In the light of the aforementioned resolution, the writ petitioners applied for the post of Guest Teachers and duly appointed against the sanctioned vacant post in different schools. There has never been any complaint with regard to the performance of the writ petitioners and in fact it was quite satisfactory, as is evident from the fact that they were allowed to work as a Guest teacher since 2018 to 2024. The nature of work of the writ petitioners was at par with regular teacher. However, notwithstanding the aforesaid facts, all of a sudden without adopting due process, the respondent State authorities has come out with letter no. 325 dated 30.03.2024, issued by the Director, Secondary Education, Education Department, Government of Bihar, Patna directing all the District Education Officers that the services of Guest Teachers hired in the State Higher Secondary Schools, under the provisions made in the departmental resolution no.51 dated 25.01.2018, should not be required from 01.04.2024 under any circumstances.

4. Aggrieved, the writ petitioners challenged the letter no. 325 dated 30.03.2024 before this Court in C.W.J.C. No. 1003 of 2025 stating, inter alia, that by the impugned order



the services of the writ petitioners along with many other Guest Teachers have been unilaterally terminated, despite the petitioners fulfilling all the requisite criteria to be absorbed into the service on permanent basis.

5. It is submitted that though the appointment of the writ petitioners was temporary, but the same was made against the sanctioned post by following the due process and, as such, the unilateral decision of the State Government cannot be sustained in the eyes of law.

6. Dispelling the aforementioned contention, learned Senior Advocate for the State submitted that the appointment of the teachers was made in terms with the resolution of the State Government, which was notified on 08.02.2018 for appointing teachers on temporary basis in different subjects, including the subjects for which the writ petitioners were appointed. The writ petitioners were conscious of the terms and conditions contained in notification dated 08.02.2018, especially Clause-5 thereof and now they cannot deny that they have not fully understood such terms and conditions.

7. The learned Single Judge after hearing the respective parties and taking note of the fact that total 4257 guest teachers were duly appointed after issuance of an



advertisement published by the Bihar Public Service Commission (hereinafter referred to as “the B.P.S.C.”) and such vacancies of guest teachers were kept reserved only for the guest teachers, as communicated vide letter no. 371 dated 03.07.2023. Therefore, the writ petitioners cannot be terminated by any executive order by overriding the Government notification dated 08.02.2018, which was issued after approval of the Governor of Bihar under Articles 166/162 of the Constitution of India and thus the State Government being the author of the said notification now cannot terminate the writ petitioners that too without due opportunity of hearing. Accordingly, set aside the impugned letter no. 325 dated 30.03.2024 and directed the competent authority to rectify their action forthwith and pass a reasoned order after giving due opportunity of hearing to all the affected persons in accordance with law.

8. While allowing the writ petition, the learned Single Judge has also referred to the decisions rendered in the case of *Jaggo Vs. Union of India*, reported in *2024 SCC OnLine SC 3826* and *Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.*, reported in *(2024) 9 SCC 327*.

9. The State of Bihar and its authorities being



aggrieved with the order of the learned Single Judge has preferred the present Letters Patent Appeal with the interim applications, inter alia, for stay of the operation of the impugned order dated 27.01.2025 passed in C.W.J.C. No. 1003 of 2025. This Court vide its order dated 20.08.2025 taking note of the fact that only four persons have filed the captioned petition before the learned Single Judge, despite which general direction has been issued to give opportunity of hearing to more than 4000 guest teachers, who were, in fact, not party before the learned Single Judge, stayed the implementation and operation of the order till final disposal of the appeal.

10. It would be worth noting here that against the order dated 20.08.2025 passed in I.A. No. 02 of 2025 in the present L.P.A., the intervenor respondent nos. 5 to 255 moved before the Hon'ble Supreme Court in Special Leave to Appeal (c) No(s). 34609 of 2025, which came to be dismissed vide order dated 28.11.2025 without prejudice to the right of the intervenor respondent nos. 5 to 255 to apply to the High Court for discharge of the interim order. In the light of the liberty aforementioned, the intervenor respondent nos. 5 to 255 filed interlocutory application no. 3 of 2025 for impleading them as party respondents. Subsequently, vide order dated 12.12.2025



this Court directed to implead the intervenor applicant as party respondent nos. 5 to 255 in the present appeal.

11. Mr. P. K. Shahi, learned Advocate General with Mr. Anjani Kumar, learned Additional Advocate General-4 have precisely submitted that the very appointment of the writ petitioners and the intervenor respondents was based on a resolution issued by the Education Department, Government of Bihar dated 25.01.2018. Clause-5 of the said notification made it clear that the guest teachers serving in the Government, Government Aided and Up-graded Higher Secondary Schools under Rashtriya Madhyamik Siksha Abhiyan School will continue to work till the regular teacher is appointed in the school.

12. Taking this Court through the said resolution, it is submitted that the services of the guest teachers were to be taken as “stop gap arrangement” till the recruitment of teachers are being made. Subsequently, 37847 teachers for Secondary Class and 56891 teachers for Senior Secondary Classes, total 94738 posts were filled up and accordingly they were posted and started discharging their duties. Thus considering the terms and conditions stipulated in the resolution dated 25.01.2018, it was decided not to take services of the guest teachers, as is



evident from letter no. 325 dated 30.03.2025.

13. It is also submitted that in fact no procedure for appointment was followed or any agreement was executed, except them to serve in the school. It is further contended that some of the guest teachers had earlier approached this Court in C.W.J.C. No. 8563 of 2022 challenging Clause 5 of the Resolution No. 51 dated 25.01.2018 with a further relief to allow them till 60 years of age in consonance with the provisions of Bihar Zila Parishad Secondary and Senior Secondary Teachers (Employment and Service Conditions) Rules, 2006 amended from time to time.

14. The learned Division Bench after having heard the parties has been pleased to observe that they were appointed as Guest Teacher for a temporary period, by way of an interim arrangement, till such time the post could be filled up through regular appointment; and the contention of the writ petitioners of C.W.J.C. No. 8563 of 2022 that their appointment may be treated as regular is held to be wholly misconceived.

15. Referring to the aforementioned decision, it is argued that since the issue involved in the present case has already been set at rest by the Division Bench of this Court in C.W.J.C. No. 8563 of 2022 and as such the impugned order of



the learned Single Judge is in teeth of the decision rendered by the learned Division Bench. It is also submitted that there is no applicability of the decisions rendered in the case of *Jagoo and Vinod Kumar* (supra).

16. On the other hand, Mr. D. K. Sinha, learned Senior Advocate representing the original writ petitioners submitted that the present Letters Patent Appeal is wholly misconceived in view of the fact that by the order under appeal, the learned Single Judge has only directed the competent authorities of the State to rectify their action forthwith and pass a reasoned order after giving due opportunity of hearing to all the affected persons in accordance with law. In compliance with such direction, the writ petitioners have also filed their representations, thus the respondent competent authorities were duty bound to consider their claim after giving due opportunity of hearing and pass a reasoned order. Learned Senior Advocate supported the order of the learned Single Judge and submits that once the Government has come out with a decision to hire the guest teachers by following all the recruitment process after getting approval of the Governor of Bihar in exercise of power under Articles 166/162 of the Constitution of India, the termination of the writ petitioners must be backed by due



procedure; But admittedly, before issuance of the impugned order the writ petitioners have been denied from any opportunity of hearing, much less any show-cause notice.

17. Mr. Pawan Kumar, learned Advocate for the intervenor respondents adopting the aforementioned arguments, further submitted with all his vehemence that respondent nos. 1 to 255 have continuously worked as guest teachers since 2018 to 2024 and performed their duty as a regular employee against the vacant post. Nonetheless, by letter no. 325 dated 30.03.2024, the authorities were directed not to take service of guest teachers in Higher Secondary Schools with effect from 01.04.2024. From letter no. 325 dated 30.03.2024, it does not appear that the post against which the writ petitioners and the respondent nos. 5 to 255 were working as guest teachers have been filled up. Only a general statement has been made that 94738 posts were filled up and they posted and started discharging their duties. It is submitted that no regular appointments were made on the posts, against which the respondent nos. 1 to 255 were working and the posts related to them are still vacant. Moreover, the reliance placed by the learned Advocate General on a Division Bench decision in the case of *Anulata Kumari & Ors. Vs. The State of Bihar & Ors.* (C.W.J.C. No. 8563 of 2022) was completely in



different facts. In the said case, the prayer was made to declare the part of the resolution dated 25.01.2018 as ultra vires, whereas in the present case the claim of the writ petitioners and intervenor respondents was to continue till regular appointment is made against the post on which they were appointed.

18. It is lastly contended that the long serving temporary/ad-hoc workers in public institutions cannot be arbitrarily terminated and the essence of employment and the rights thereof cannot be merely determined by initial terms of appointment when actual course of employment has evolved significantly over time.

19. To strengthen the aforesaid submissions, reliance has again been placed on the decision rendered in the case of *Jagoo and Vinod Kumar* (supra) as well as decision in *Shripal Vs. Nagar Nigam, Ghaziabad*, reported in *2025 SCC OnLine SC 221* and *Bhola Nath Vs. The State of Jharkhand & Ors.*, reported in *2026(2) PLJR 129 (SC)*.

20. Having heard the learned Senior Advocate(s)/ Advocate(s) for the respective parties and considering the materials available on record, it would be apt and proper to highlight the relevant prescription of the resolution of the Education Department, Government of Bihar dated 25.01.2018,



which is the anchor sheet of the writ petitioners, based upon which they have been provided with the services of guest teacher for different subjects.

21. After careful perusal of the aforementioned resolution, it is manifest that due to non-availability of Assistant Teachers in different subjects, the Government has resolved to hire the services of guest teachers on a fixed honorarium to complete the teaching work of the entire syllabus prescribed for Higher Secondary Class, especially, English, Mathematics, Physics, Chemistry, Zoology and Botany subjects. The number of vacant posts in the Government, Government Aided and Up-graded Secondary School under Rashtriya Madhyamik Siksha Abhiyan has been verified and a total 4257 vacant post has been notified. It has further been made clear that the services of the guest teachers will be taken against the sanctioned post by following the reservation rules, and on the basis of subject wise vacancy calculation the notification will be published, following the reservation rosters. The prescribed qualification for the post of guest teacher has also been notified and the candidates who have passed the Secondary Teacher Eligibility Test (Paper-II) is directed to be given priority, but in case of non-availability of eligible candidates for the subject of Mathematics, Physics and



Chemistry, the qualification will be B.Tech or M.Tech with minimum 55% marks.

22. Considering the current student population in the schools, the remuneration for guest teacher was fixed at Rs.1,000/- per working day for a maximum of 25 days or maximum of Rs.25,000/- per month. It has also been clarified that if the performance of the person serving as guest teacher is found unsatisfactory, then the Ad-hoc Committee of the school will be able to relieve the guest teacher after taking approval of the District Education Officer. It would also be relevant to quote the relevant paragraph, which is the bone of contention of the present *lis* i.e. Clause 3 and 5 of the resolution dated 25.01.2018, which reads as follows:

*“3. Approval is granted to provide the services of guest teachers for the subjects of English, Mathematics, Physics, Chemistry, Zoology and Botany on the approved and vacant posts at the fixed remuneration till the teachers are appointed in the Government, Government Aided and Up-graded Higher Secondary Schools under Rashtriya Madhyamik Siksha Abhiyan located in the Zila Parishad and various Municipal Bodies under the Secondary Education of the State.*

*5. Guest teachers serving as guest*



*teachers in Government, Government Aided and Up-graded Higher Secondary Schools under Rashtriya Madhyamik Siksha Abhiyan will continue to work till a teacher is appointed for the school.”*

23. Bare reading of the aforementioned clauses, it is abundantly manifest that the guest teachers appointed under the State resolution shall continue to work till a teacher is appointed for the school. Since clause 5 of the resolution dated 25.01.2018 mandates that the guest teacher will continue till appointment of regular teacher, a challenge was made before this Court in Anulata Kumari case (supra) (C.W.J.C. No.8563 of 2022) seeking a declaration of such Clause ultra vires the constitution, because the process of appointment of the guest teacher was made through due process, including inviting applications, counselling like other contractual/employed/regular teachers, whose engagement has been made and, as such, those teachers' services are not to be disturbed till the age of 60 years i.e. the age of retirement as per the Bihar District Board Secondary and Senior Secondary Teachers' (Employment and Service Condition) Rules, 2006 and the Bihar Municipal / Local Bodies Secondary and Senior Secondary Teachers' (Employment and Service Condition) Rule, 2006. The petitioners of aforementioned writ petition also



sought a direction to the respondents to regularize their services according to the prevalent rules and not to disturb the services till the age of 60 years.

24. The learned coordinate Bench of this Court after having carefully perused the resolution dated 25.01.2018, especially Clause 5 thereof, vide its order dated 23.06.2022 has observed that the petitioners were fully aware of their terms of selection and appointment. They were appointed only as Guest Teachers for a temporary period, by way of an interim arrangement, till such time the post could be filled up by regular appointment. Hence, the contention of the petitioners that their appointment may be treated as regular in terms with the prevalent Rules, 2006 is held to be wholly misconceived and legally untenable in law.

25. Needless to observe that this order/judgment of the learned coordinate Bench of this Court has never been questioned before the higher Court or reviewed till date.

26. A guest teacher, in the opinion of this Court, is a person having eligibility of a teacher, hired on a part time or work on a temporary/contract or as needed basis, rather than a permanent tenure position, received monthly honorarium or a daily rate in terms with the offer letter or the



scheme. Offer letter of the writ petitioners, the copy of which is also brought on record as Annexure-P/2 Series to the writ petition, clearly suggests that the writ petitioners and the intervenor respondents were invited to render their services as a guest teacher and their service condition and benefits will be regulated under the resolution dated 25.01.2018. Besides the fact that the petitioners were offered to work as a guest teacher, it is well settled that “guest teacher(s)” may continue their services, but they cannot demand regularization as an inherent right in the garb of continuance and in absence of specific rule or regulation governing their service condition. Despite such status, temporary in nature, since their appointments were made after due advertisement against a sanctioned post, well settled it is that they cannot be replaced by another set of guest teachers, unless the service of any guest teacher is found to be unsatisfactory and there is no requirement of hiring the services or till regular appointment is made against such sanctioned post by following due process of recruitment.

27. Dispensing with the services, in all the cases, cannot be termed as punitive termination, necessitating the requirement of show-cause notice or opportunity of hearing



like any other termination/removal from services causing civil consequences. What is required an information to be given to the concerned, in terms with the stipulation of the scheme/notification, which empowers them to continue with their work as guest teacher.

28. Undisputed stand of the State is that altogether 37847 teachers for Secondary Class and 56891 teachers for Senior Secondary Classes, total 94738 posts were filled up, following due process, against vacant and sanctioned post and accordingly they were posted and now discharging their duties in the different Government, Government Aided and Up-graded Higher Secondary Schools. In such circumstances, the Director, Secondary Education has come out with letter no. 325 dated 30.03.2024 with a clear stipulation that in view of the aforesaid fact of regular appointment having been made in the Higher Secondary Schools, there is no need to retain the guest teachers in services and accordingly directed that the services of guest teachers hired in the State Higher Secondary Schools, under the provisions made in the Departmental Resolution No. 51 dated 25.01.2018, should not be taken from 01.04.2024. Based upon the aforesaid direction, the respective District



Education Officers of different districts have dispensed with the hiring of the services of the guest teachers, including the writ petitioners and the intervenor respondents.

29. Admittedly, it is not a case where a set of guest teachers are being replaced by another set of guest teachers, rather their services were subjected to continuation till the regular appointment is made; once the regular appointment against the sanctioned and vacant posts have been made in the different Higher Secondary Schools of the State Government. In no circumstances, this Court finds any fault in the impugned order dated 30.03.2024 passed by the Director, Secondary Education, Education Department, as the same is not contrary to the object and terms of resolution dated 25.01.2018, rather it is in conformity with the same. Thus, the finding of the learned Single Judge that the writ petitioners cannot be terminated by any executive order by overriding the Government notification dated 08.02.2018, which has been issued after approval of the Governor of Bihar, in the opinion of this Court, with due regard, does not stand in law as well as on facts. The decision not to retain the guest teachers and/or hire their services has been taken bonafidely in view of the subsequent development of mass



appointment of regular teachers in Higher Secondary Schools against the vacant and sanctioned post; since not in dispute, we do not find that opportunity of hearing to all the affected persons and passing a reasoned order in each and every case is required. The principle of natural justice can not be put in a straight jacket formula. It must be seen in circumstantial flexibility. The Court, time without number has held that in a case where a large number of people are involved, the principle may be excluded; and all the more, in this case, when they had already been put to notice that their services are being hired till the regular appointment is made against those posts, such decision cannot be said to be suffering from the vice of principles of natural justice.

30. So far the decisions rendered in the case of ***Vinod, Jaggo and Bhola Nath*** (supra) are concerned, again this Court, with due regard to the learned Single Judge, opined are not applicable in the facts of this case. The mandate of the Hon'ble Supreme Court in the aforementioned cases clearly ruled that the essence of employment and its associated rights cannot be determined solely by initial appointment terms when the actual course of employment has evolved significantly over time and the Hon'ble Supreme Court has



also cautioned the authorities of the State regarding misuse of temporary and contractual engagement, in the manner that results in exploitation of employees. The Court criticized the practice of outsourcing informalizing the recruitment as a means to evade the regular employment obligations, observing that such measures perpetuate precarious working condition while circumventing fair and lawful engagement practice.

31. In the case in hand, the writ petitioners and the intervenors respondents have accepted their offer with an open eye that their services shall be hired till the regular appointment is made. After having worked for about 5-6 years, now regular appointments have been made and the posts, against which their services were hired, have now been filled up through regular appointment by following due process of recruitment. We must keep in mind the mandate of the Constitution Bench in the case of *Secretary, State of Karnataka and Ors. Vs. Umadevi and Others*, reported in *(2006) 4 SCC 1* where the Court clarified that a contractual appointment would come to an end in terms of the contract, and similarly, an engagement on daily wage or casual basis would cease upon its discontinuation. Mere continuation of a



temporary or casual employee beyond the term of appointment would not entitle such employee to absorption or regularization, if the initial appointment itself was not made in accordance with the prescribed procedure. The Constitution Bench further clarified and given a window for those irregularly appointed persons as a one time measure, who have worked for ten years or more in duly sanctioned post, but not under the cover of orders of the Court or a Tribunal.

32. So far the continuation of the writ petitioners or the intervenor respondents or regularization against the posts is concerned, it does not arise in the facts of the present case, since the engagement of the writ petitioners and the intervenor respondents were made on an offer given by the State that they resolved to hire their services as a Guest Teacher only till the regular appointment is made. In the opinion of this Court, it would be a fraud upon the other eligible candidates, who did not apply for the guest teachers knowing very well that such offer is rendered and their services have been hired only till regular appointment is made and, as such, in no circumstances, the guest teachers shall be allowed to continue, even after regular appointments are made against those vacant posts.



33. After having discussed the aforementioned facts and circumstances and the position obtaining in law, we are of the humble view that the order/judgment of the learned Single Judge suffers from perversity in directing the respondent State authorities-appellant herein to rectify their action forthwith and pass reasoned order after giving due opportunity of hearing to all the affected persons in accordance with law.

34. Accordingly, the impugned order/judgment dated 27.01.2025 passed by the learned Single Judge is hereby set aside and the writ petition, bearing C.W.J.C. No. 1003 of 2025 stands dismissed.

35. The Letters Patent Appeal stands allowed.

36. There shall be no order as to cost.

**(Harish Kumar, J)**

**Sangam Kumar Sahoo, CJ: I agree**

**(Sangam Kumar Sahoo, CJ)**

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AFR/NAFR	
CAV DATE	22.04.2026
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