



IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1549 of 2024

In
Civil Writ Jurisdiction Case No.683 of 2007

Dr. Arun Kumar Singh, Late Krishna Nandan Singh, Resident of-
Rameshthalaya, new Mithila Colony, Nasriganj, opposite of Mobile Tower,
ahead of Ganga Nursery, Danapur, P.O.- Danapur, Police Station- Danapur,
District- Patna.

... .. Petitioner/s

Versus

1. Brajesh Mehrotra, Chief Secretary, Government of Bihar, Patna
2. Arvind Kumar Choudhary, Commissioner-cum-Secretary, Finance Department, Government of Bihar, Patna now Designated as Additional Chief Secretary, Finance.
3. K.K. Pathak, Commissioner-cum-Secretary, Education, Government of Bihar, Patna, now Designated as Additional Chief Secretary, Education, Government of Bihar, Patna.
4. Kanhaiya Prasad Srivastav, Director of Secondary Education, Human Resource Department, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Venkatesh Kirti, AC to GA2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

7 07-05-2026 The present application has been preferred by the

petitioner alleging non-compliance of the order dated

30.04.2013 passed by a co-ordinate Bench of this Court in

CWJC No. 683 of 2007 and other analogous cases, wherein

following directions have been issued :

*"For the aforesaid reasons, we hold
that the Plus two lecturers in the Government
and the Nationalized (Taken Over) Secondary*





Schools appointed pursuant to Advertisement No. 1/87 and selected by the Board were always part of the Subordinate Educational Service and that they are entitled to the benefits as the members of the Subordinate Educational Service. The encadrement of the Plus two lecturers with the teachers in the Nationalized Schools under Notification dated 23rd June 2009 is bad and illegal. The Notification dated 23rd June 2009 has been issued without application of mind and without considering Article 790 of the Bihar Education Code, the Government decision dated 7th July 1985 and the Advertisement No. 1/87. The impugned order dated 16th October 2006 and the Notification dated 23rd June 2009 are quashed and set aside.

The petitioners and other Plus two lecturers appointed pursuant to the Advertisement No. 1/87 are indeed the members of the Subordinate Educational Service. The petitioners are entitled to the service benefits as the members of the Subordinate Educational Service. The State Government will treat the petitioners and the other Plus two lecturers appointed pursuant to the Advertisement No. 1/87 as the members of the Subordinate Educational Service and will extend the service benefits as the members of the Subordinate Educational Service.

All other legal consequences shall follow.

The State Government will make orders, as may be required to comply with the above directions, within one year from today.

The petitions are allowed in the above terms."

2. A show cause has been filed on behalf of opposite





party No. 4, wherein following statements have been made in paragraph Nos. 5 & 6 :

"5. That at the outset, it is humbly submitted that in compliance of the order of this Hon'ble Court under reference, all legally admissible benefits/consequential benefits have already been extended to the petitioner consequent to merger into SES to BES and the differential amount consequent to merger in BES as well as A.C.P./ M.A.C.P. has already been extended to Sri Arun Kumar Singh (Petitioner) like Dr. Karunesh Kumar (Petitioner No.1 in CWJC No.683 of 2007).

6. That it is further humbly submitted that consequent to merger in BES, the admissible differential amount of the petitioner based on authority slip of the Accountant General Bihar has already been made to him by the concerned authority i.e. D.P.O. (Establishment), Patna-cum-D.D.O., which is being shown in tabular form for its perusal.

Petitioner Name	Differential amount	Status
Dr. Arun Kumar	Total Rs 24,77,349/-	Paid

3. Considering the statements as referred above, this court is of the view that no further order is required to be passed in the present matter as the order under contempt has already been complied with.

4. Accordingly, the present application stands disposed of.

5. If so advised, the petitioner, if aggrieved by the





decision of the authority, shall be at liberty to challenge the same by way of filing an appropriate application in accordance with law.

6. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Shailendra Singh, J)

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