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IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)

C.W.J.C. No. _____ of 2014

Shabana Perwin and others -----

.. .. .Petitioners.

Versus

The State of Bihar and Others ----Respondents.

Subject: - Termination Matter.

Other School Service
I N D E X

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IN THE HIGH COURT OF JUDICATURE AT PATNA
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..Petitioners.

Versus

The State of Bihar and Others ----Respondents.

Subject: - Termination Matter.

other School Service

S Y N O P S I S

That the petitioners pray for the issuance of an appropriate writ / writs for quashing the order dated 28.02.2014 issued under the signature of respondent Director, whereby it has been directed that in terms of the Rule 12(III) of Bihar Panchayat Primary Teacher (Appointment and Service Condition) Rules 2006 which stands amended by Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules 2009 those teachers who have failed to clear the efficiency test,

II

be show caused and removed from services and payment of such teachers be stopped forthwith.

It is also prayed for quashing the consequential order/letter dated 12.03.14, 01.03.14, 12,03.14, 5.03.2014 and 13.03.14 issued by DEO/DPO Madhepura, Purnea, Araria, Supaul and Saharsa in the light of letter dated 28.04.2014 passed by Director, Primary Education, Govt. of Bihar, whereby Niyojan Unit was directed to remove the petitioners without following the law and procedure.

The petitioner most humbly pray that this Hon'ble Court may be pleased to direct the respondents not to act in terms of the letter as contained in Annexure-4 as regards the removal of the petitioners during pendency of the present case.

It is further prayed that one additional chance for appearing in ensuing teachers evaluation test may be given to these petitioners because questions were asked

III

earlier in teachers evaluation test 2010 and 2013 beyond the syllabus which is wrong.

Annexure- 1	Type copy of chart of the petitioners showing their details.
Annexure- 2	Supplementary Counter Affidavit filed in C.W.J.C. No. 10354 of 2009.
Annexure-3	Relevant part of the daily news paper dated 18.01.2014.
28.02.2014 Annexure- 4	Impugned order / letter.
01.03.2014 05.03.2014 12.03.2014 13.03.2014 Annexure-5 Series.	Letter issued by concerned respondents in the light of order dated 28.02.2014 for removal of petitioners

Hence this writ application.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C.W.J.C. No. _____ of 2014

In the matter of an
application Under
Article 226 of the
Constitution of India.

And

In the matter of;

- (1) Shabana Perwin, Daughter of Zubair Ahmad,
Resident of Village- Patarghat Kothi,
Police Station- Sour Bazar, District-
Saharsa.
- (2) Rafi Ahamad, Son of Zubair Ahmad, Resident
of Village- Gadha Rahmanpur, Police
Station- Shankarpur, District- Madhepura.

Amr Singh
Durgesh Kumar
Advocate
AOR No-00868

- (3) Shahzahan Perween, Daughter of Md. Firoz Alam, Wife of Md, Inamul Haque, Resident of Village- Sapardah, Police Station- Purnaini, District- Madhepura.
- (4) Bibi Nazrana Khatoon, Daughter of Md. Ali, Wife of Md. Kamrul, Resident of Village- Ranipatti, Police Station- Kumarkhand, District- Madhepura.
- (5) Noorjahan^{Khatoon,} Daughter of Md. Sajjad Ali, Resident of Village- Bheropati, Police Station and Block- Murliganj, District- Madhepura.
- (6) Bibi Sajda Khatoon, Daughter of Gulam Mohammad, Wife of Md. Mohiuddin, Resident of Mohalla- Adarsh Nagar, Ward No. 8, Madhepura (Near the Small Majid).
- (7) Bibi Rehana Khatoon, Daughter of Md. Haroon Rashid, Wife of Isteyak Ahmad, Resident of Village- Gadha Rahmanpur, Post Office- Jharkaha, Block and Police Station- Shankarpur, District- Madhepura.

- (8) Zobaida Khatoon, Daughter of Sagir Ahmad, Resident of Mohalla- Ward No. 12 Lehri Tola, Police Station and District- Madhepura.
- (9) Bibi Amansa Perwin, Daughter of Abdus Shakur, Resident of Village- Puraini, Police Station- Shri Nagar, Block- Kumarkhand, District- Madhepura.
- (10) Rehana Khatoon, Daughter of Md. Salauddin, Resident of Village- Chanda, Police Station- Chousa, District- Madhepura.
- (11) Nujhat Bano, Daughter of Quasim, Resident of Village and Post Office- Puraini, Police Station- Shrinagar, District- Madhepura.
- (12) Ruby Parween, Daughter of Md. Gaji Anwar, Resident of Village- Majharpatti, Police Station- Uda Kishungaj, District- Madhepura.

- (13) Bibi Ishrat Bano, Daughter of Md. Mustajfa, Wife of Sarfaraj Alam, Resident of Village- Rahmatganj, Police Station- Shri Nagar, District- Madhepura.
- (14) Bibi Safina Khatoon, Daughter of Md. Idris, Wife of Md. Nizamuddin, Resident of Police Station- Patarghat, District- Saharsa.
- (15) Abdul Khalique, Son of Molana Abdurrazzaque, Resident of Village and Post Office- Bhelahi, Police Station and Block- Maihsi, District- Saharsa.
- (16) Ajrun Nishan, Daughter of Md. Samsul Haque, Resident of Village- Bishharia Tola Jannatpur, Police Station and Block- Bhargama, District- Araria.
- (17) ^{Bibi} Mansoor_^a Khatoon, Daughter of Md. Maroof, Resident of Village- Birnagar, Block and Police Station- Bhargama, District- Araria.

- (18) Bibi Sabrun Nesa, Daughter of Md. Musa, Resident of Village- Chilouni, Tola-Sourajan Machha, Police Station- Raghopur, Block- Pratapganj, Dist.- Supaul.
- (19) Bibi Ghazala Tabassum, Daughter of Md. Hasibur Rahman, Resident of Village and Post Office- Puraini, Block and Via-Kumarkhand, P.S.-Shri Nagar, District-Madhepura.
- (20) Bibi Imrana Khaton, Daughter of Md. Biko Khan, Resident of Village- Barahkurva, Police Station and Block- Tribeniganj, District- Supaul.
- (21) Bibi Rafat Ara, Daughter of Md. Ehsan Khan, Resident of Village- Tharhi Bhawanipur, Police Station- Pipra Bazar, District- Supaul.
- (22) Farnaj Khanam, Daughter of Md. Azimuddin, Wife of Md. Salahuddin, Resident of Village- Tulapatti, Block and Police Station- Kishanpur, District- Supaul.

- (23) Gulshan Ara, Daughter of Md. Daud Khan, Wife of Md. Irshad Alam, Resident of Village and Post Office- Tharhi Bhawanipur, Police Station and Block- Pipra, District- Supaul.
- (24) Nuzhat Perween, Daughter of Md. Khtim Sabri, Resident of Village and Post Office- Tharhi Bhawanipur, ^{p.s. - pipra} District- Supaul.
- (25) Bibi Mashira Khanam, Daughter of Abdul Barkat Khan, Resident of Village and Post Office- Thadhi Bhawanipur, Police Station- Pipra, District- Supaul.
- (26) Bibi Sajida Begam, Daughter of Md. Murtuja Khan, Resident of Village- Bouraha, Police Station- Karjain Bazar, District- Supaul.
- (27) Rizwana Khatoon, Daughter of Md. Usman, Resident of Village- Mohanpuur, Block and Police Station- Chhatapur, District- Supaul.

- (28) Bibi Sahnaz Bano, Daughter of Md. Murtaza, Resident of Village- Indrapur, Block and Police Station- Chhatapur, District- Supaul.
- (29) Bibi Gulenoor, Daughter of Imtiyaz Alam, Resident of Village and Post Office- Thadhi, Bhawanipur, Police Station- Pipra Bazar, District- Supaul.
- (30) Bibi Rohana Perween Rohi, Daughter of Hazi Aiyub Ali, Resident of Village and Post Office- Fatehpur, Police Station- Narpatganj, District- Araria.
- (31) Nikhat Parween, Daughter of Md. Iliyas, Resident of Village- Babhni, Police Station- Gamharia, District- Madhepura.
- (32) Noor Mohammad, Daughter of Abdul Aziz, Resident of Village and Post Office- Hariharpur, Police Station- Chhatapur, District- Supaul.
- (33) Bibi Jahani Khatoon, Daughter of Md. Motiur Rahman, Resident of Village and

Post Office- Hariharpur, Police Station-
Chhatapur, District- Supaul.

(34) Rahati Naaz, Daughter of Md. Moeenuddin,
Resident of Village- Chhatapur, Police
Station- Chhatapur, District- Supaul.

(35) Nikhat Perween, Daughter of Md. Tajammul
Hussain, Resident of Village- Islampur
Kharvani, Police Station- Kishanpur,
District- Supaul.

(36) Md. Wakil, Daughter of Md. Azmat Ali,
Resident of Village- Madhopur, Police
Station- Chhatapur, District- Supaul.

(37) Abdus Subhan, Son of Md. Habibullah,
Resident of Village- Parasa, Police
Station- Balua Bazar, District- Supaul.

(38) Bibi Salma Khatoon, Daughter of Md.
Mahfuzurrahman, Resident of Village-
Fulkaha, Police Station- Jadia, District-
Supaul.

(39) Bibi Sajda Khatoon, Daughter of Md. Shah
Alam, Resident of Village- Ram Nagar,

Police Station- Chhatapur, District-
Supaul.

(40) Bibi Sahnaz Khatoon, Daughter of Md. Shah
Alam, Resident of Village- Rampur, Police
Station- Chhatapur, District- Supaul.

(41) Gulfashan Bano, Daughter of Md. Abbas,
Resident of Village- Parsa, Police
Station and District- Supaul.

(42) Bibi ~~S~~abiha Khatoon, Daughter of Abdul
Hannan, Resident of Village- Chandail
Maricha, Police Station and District-
Supaul.

(43) Bibi Shahnaz Bano, Daughter of Md,
Kalimul Haque, Resident of Village-
Parsa, Police Station and District-
Supaul.

(44) Bibi Sabiha Khanam, Daughter of Md. Ali
Hasan, Resident of Village and Post
Office- Raghunathpur, Police Station-
Jadia, District- Supaul.

- (45) Md. Kalimuddin, Son of Noor Mohammad, Resident of Village and Post Office- Raghunathpur, Police Station- Jadia, District- Supaul.
- (46) Sajda Rahmani, Daughter of Quamrul Hoda, Resident of Village- Chandisthan, Police Station- Kumarkhand, District- Madhepura.
- (47) Shahnaz Parveen, Daughter of Md. Kalimullah, Resident of Village and Post Office- Pipara Khurd, Police Station and District- Supaul.
- (48) Hena Kausar, Daughter of Mahmood Alam Asgar, Resident of Village and Post Office- Maharampur, Police Station- Jadia, District- Supaul.
- (49) Nikhat Parween, Daughter of Md. Ayub, Resident of Village- Saurajan, Police Station- Raghapur, District- Supaul.
- (50) Abeda Khatoon, Daughter of Md. Alimuddin, Resident of Village- Kharel Malhad

Khokhnaha Punurbas, Ward No. 14, Police Station and District- Supaul.

(51) Rahat Khatoon, Daughter of Zubair Ahmad, Resident of Village and Post Office- Latauna, Police Station and Block- Tribeniganj, District- Supaul.

(52) Jaibun Prawin, Daughter of Md. Abbas, Resident of Village and Post Office- Nemua, Police Station and District- Supaul.

(53) Shagufta Rahmani, Daughter of Md. Saddul Haque, Resident of Village- Maricha, Police Station and District- Supaul.

(54) Md. Haroon, Son of Md. Quasim, Resident of Village- Maricha, Police Station and District- Supaul.

(55) Tajammul, Son of Abdur Razzaque, Resident of Village and Post Office- Ghuran, Police Station and District- Supaul.

(56) Shabnam Parween, Daughter of Md. Taiyab, Resident of Village- Fulbari Muhalla,

Ward No. 23, Police Station and District-
Supaul.

(57) Rizwana Begam, Daughter of Md. Shafique,
Resident of Village- Bela Situhar, Police
Station and District- Supaul.

(58) Bibi Sakina Khatoon, Daughter of Md.
Mahfizur Rahman, Resident of Village-
Malhani, Police Station and District-
Supaul.

(59) Murshid Kamal, Son of Md. Nazloom,
Resident of Village and Post Office-
Sukhapur, Police Station and District-
Supaul.

(60) Gulshan Parveen, Daughter of Md. Rizwan
Alam, Resident of Village- Parsa, Police
Station and District- Supaul.

(61) Bibi Hasina Khatoon, Daughter of Md. Isa,
Resident of Village- Dinbandhi, Police
Station- Balua Bazar, District- Supaul.

(62) Md. Zakir Hussain, Son of Abdul Khalique,
Resident of Village and Post Office-

Manganj Bazar, Police Station- Jadia,
District- Supaul.

(63) Bibi Samina Naz, Daughter of Md. Ayoob,
Resident of Village and Post Office-
Laharnia, Police Station- Tribenigaj,
District- Supaul.

(64) Mokhtar Alam, Son of Solaiman, Resident
of Village- Barmotra, Police Station-
Balua Bazar, District- Supaul.

(65) Bibi Ishrat Bano, Daughter of Abdul
Mazed, Resident of Village- Barmotra,
Police Station- Balua Bazar, District-
Supaul.

(66) Bibi Shagufta Perveen, Daughter of Aqueel
Ahmad, Resident of Village and Post
Office- Bhawanipur, Police Station-
Pratapganj, District- Supaul.

(67) Shakeel Ahmad, Daughter of Md. Idrees
Rahmani, Resident of Village and Post
Office- Mohanpur, Police Station-
Chhatapuur, District- Supaul.

- (68) Hafiz Md. Aamil, Son of Md. Shafiqu Alam,
Resident of Village- Kathara, Police
Station- Chhatapur, District- Supaul.
- (69) Bibi Shabnam Ara, daughter of Shah Abdul
Ghafoor, resident of Vill-Thadhi
Bhawanipur, P.S.-Pipra, District-Supaul.
- (70) Bibi Ishrat Jahan, daughter of Abdul
Zabbar, wife of Iftexhar Alam, resident
of Village-Kamaldaha, P.S. and District-
Araria.
- (71) Shabana Tarannum, daughter of Md.
Kumaluddin, wife of Safi Alam, resident
of Village-Champapur, P.S. Bakhtiyarpur,
District-Patna.

--Petitioners.

Versus

1. The State of Bihar, through the Principal
Secretary, Department of Education,
Government of Bihar, Patna.

2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Madhepura.
4. The District Programme Officer (Estb.) Madhepura, District- Madhepura.
5. The District Education Officer, Araria.
6. The District Programme Officer, (Establishment), Araria.
7. The District Education Officer, Saharsa.
8. The District Programme Officer, (Establishment), Saharsa.
9. The District Education Officer, Supaul.
10. The District Programme Officer, (Establishment), Supaul.
11. The District Education Officer, Lakhisarai.

12. The District Programme Officer, (Establishment), Lakhisarai

--Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna and her Companion Justice of the said Hon'ble Court.

The humble petition on behalf of the above named petitioners;

MOST RESPECTFULLY SHEWETH:

1. That, this is an application on behalf of petitioners for grant of the following reliefs:-

(I) That the petitioners pray for the issuance of an appropriate writ / writs for quashing the order as contained in letter no. 298 dated 28.02.2014 issued under the signatures of Director, Primary Education, Department of Education, whereby it has been directed that in terms of the Rule 12(iii) of Bihar Panchayat Primary Teacher (Appointment and Service Condition) Rules 2006 which stands amended by Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules 2009 those teachers who have failed to clear the efficiency test be show caused and removed from services and payment of such teachers be stopped forth with.

The petitioners further pray that this Hon'ble Court may hold and declare that the amended rule 12(III) to the extent that it provides for removal of the teacher who has failed to clear the efficiency test is not applicable to those teachers such as the petitioners who have been appointed in terms of Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules 2006 or such rules that existed prior to the amendment as the amendment can't be applied to the petitioners.

The petitioners most humbly pray that this Hon'ble Court may be pleased to direct the respondents not to act in terms of the

letter as contained in Annexure- 4 as regarding the removal of the petitioners during pendency of the present case.

(II) It is prayed for quashing the letters dated 12.3.14, 1.3.14, 12.3.14, 05.3.14, ~~13.3.14~~ ^{and 6-03-14} issued by D.E.O./D.P.O. Madhepura, Purnea, Araria, Supaul, ~~and~~ Saharsa ^{and Lakhisarai} in the light of letter dated 28.02.2014 passed by Director, Primary Education, Government of Bihar whereby and where under all of sudden Niyojan Unit was directed to remove the petitioners without following the law and procedure.

It is further prayed for quashing the consequential letter/ order, if any, which has been

university running under the State?

(b) Whether the authorities have failed to appreciate that there is no scope for the evaluation of eligibility, frequently when their degree had already been certified by the competent body constituted by the Government and appointment were made in compliance the judicial verdicts or on the basis of the undertaking of the state before this Hon'ble Court.

(c) Whether respondent authorities have failed to appreciate the undertaking of the State Government in C.W.J.C. No. 10354 of 2009 whereby it is stated that after three years again evaluation test will be held for the purpose

of awarding second consolidated increase in pay to those who will be successful by securing minimum marks but those who fail to get the minimum marks would not be removed from service on this ground?

- (d) Whether respondent authorities have failed to appreciate that teachers like petitioners have been appointed and have been allowed to work on the post of teacher after testing their eligibility for the post and they were treated as Panchayat / Block Teachers since 01.07.2006. Meanwhile several petitioners have already gotten training certificate and therefore now nothing subsist to test eligibility again

and again in garb of evaluation since it amounts to unsettled the matter which has been settled earlier.

(e) Whether the letter under challenge is the best example for non application of the minds in connection with the jurisdiction as well as the abuse of power and authority even in absence of valid and the reasonable grounds and above on the reasons the necessary legal interference is required in the present case?

(f) Whether the authorities have failed to appreciate that there is on provision in Bihar Service Code for holding the examination for the evaluation with a purpose to extend the increments rather the

same is in the incidence of service or the authorities are required under the law to extend the same annually the other Government employees?

(g) Whether the respondent authorities have failed to appreciate that the state will run under the rule and regulation introduced by the state under its jurisdiction and not the basis of whim to the concerned authorities?

(h) Whether the respondent authorities have failed to appreciate that there is no provision for the examination or the evaluation to extend the increments and even there is no such practice under any department including the education department as well as

schools where these petitioners are performing their duties then the same cannot be imposed for the petitioners or the similarly situated persons?

(i) Whether the actions of the respondent authorities attract the right of equity before the law which is scheme of the Constitution?

(j) Whether the respondent authorities have failed to appreciate that if there is on such prevailing in schools for the teachers then the same cannot be imposed to the petitioners as both of them are performing the same job under the same institution and the employer?

(k) Whether the authorities have failed to appreciate that the

policy of the state cannot be introduced or enforced in piece mill and depend upon man to man rather on the dictate and commands of the Constitution the parity should have been maintained for all purposes?

- (1) Whether the action of the respondent authorities gives the smell of biasness and the arbitrariness and on the said backgrounds the demand of the law required the interference with extent to setting aside the letter under challenge in the present writ and authorities may be directed to give the similar treatment by extending the same benefit to him, which has already

been granted to the other teachers working in the schools?

(m) Whether the action of the respondent authorities are malafide, arbitrary, without jurisdiction as well as abuse of power?

(n) Whether that the impugned action now threatening petitioner's fundamental right as well as other rights and liable to cause permanent injury?

(o) Whether the action of respondents show colourable exercise of power as well as non-application of mind?

(p) Whether the action impugned is also against the terms and condition of Rule 2006 (dated

01.07.2006) for regularization of Panchayat/Prakhand Teacher.

(q) Whether that in the light of impugned order dated 28.02.2014 where by the service of the petitioners have been terminated without following of the principle of natural justice is the blatant violation of principle of natural justice and violative of Article 14 and 16 of the Constitution of India?

3. That, the petitioners are citizen of India and they are residing within the territorial jurisdiction of this Hon'ble Court and they have been appointed as Panchayat / Prakhand / Nagar Teachers in their respective schools by following the due process of selection and appointment and all of them are governed by Bihar

Panchayat Primary Teacher Appointment and Service Condition Rules 2006 / 2007 (hereinafter referred as Rule 2006). The petitioners since the date of their appointment have been performing their duty diligently to the satisfaction of all concerned and there has been no complaint against them regarding their teaching abilities so as to adversely affect the impressionable mind of children of Primary School. The personal details of the petitioners is being put in a chart and is being annexed to the present application.

A type copy of the chart of the personal details of the petitioners is being annexed herewith and marked as Annexure- 1

and it forms a part of
this petition.

4. That, clause 12 sub clause III prescribes that after every three years on the basis of evaluation as directed the trained Prakhand / Panchayat Teachers will get an increase of Rs. 500.00 in their pay and untrained Prakhand / Panchayat Teachers will get an increase of Rs. 300.00 in their pay. Sub-clause IV of Rule 12 provides that such appointed teachers shall be in service till the age of 60 years and clause V of Rules 12 provides for 2 years training from a NCTE approved institution.

5. That, when act was introduced answers to the various questions that has been raised these answers were given by the then Commissioner-cum-Secretary Dr. Madan Mohan Jha. Department of Human Resource one such

question was regarding sub clause (iii) of Rule 12 and the question and answer reads as follows:-

- (13) प्रत्येक तीन वर्षों के बाद मूल्यांकन का तात्पर्य क्या है तथा इसे कौन करेगा ?
- जैसे बच्चे का नियमित मूल्यांकन जरूरी है वैसे शिक्षकों का भी तीन वर्षों पर मूल्यांकन होगा। शिक्षकों तथा पंचायती राज इकाईयों का सहयोग से मूल्यांकन की प्रक्रिया स्थापित की जायगी।

The answer to the said question clearly indicates that the process of assessment shall be establishment with the help and aid of the teachers and Panchayat Raj Units. This clearly indicates and defines the words "YATHA NIRDESHIT" as it appears in sub clause (iii) of Rule 12. This preamble nowhere states that it was ever

contemplated that in case a teacher is not able to come up to expectation in their assessment then they shall be removed from service.

6. That, the petitioners service condition are governed by Rule 12 of Rule 2006 or for that matter Rule 12 or any other rule of rule 2006 contemplate removal from service if a teacher failed to qualify in "as directed assessment".

7. That, it is stated and humbly submitted that the service conditions as well explained is very much clear that there is no criteria / provision under the said rule and alone on the reasons the steps taken by the concern authorities is highly unreasonable contrary to the recruitment rules as well as the violative to the right conferred under Article 14 of the

Constitution of India which deals the right of equity before law.

8. That, it is stated and humbly submitted that the light reflected from the letter / order under challenge it appears that the same is based on the discrimination and the nonest ground on the simple reasons that the such provision remain operative within the state either theoretically or practically. It is well settled that even the teachers who are working in the schools where these petitioners are performing their duties on or after the selection/appointment against the respective post to cross from the said barrier. Hence the test for the increment cannot be inflicted to the petitioners.

9. That, it is stated and humbly submitted that the under challenge in the present writ reflects the discredation amongst the

equal. Hence, it is very much clear that the same is contrary to the settled principle of the law with effects that the several persons are sitting on the same boat they are entitled for the same fate. It is an appropriate to state that the persons / employees / teachers working in the same institution cannot be categorized in different category and the different barrier will be imposed for them.

10. That, it is stated and humbly submitted that the policy increments has been made out or introduced by the Government are acted upon in the entire state which covered the entire employees including employees of the education department as well as teachers working under the state. In the said back ground the petitioners are entitled for the similar treatment and the relief both, which has been granted to

the other Government Employees. In view of the right conferred under Article- 14 of the Constitution of India the parity should be maintained and to discrepancy cause vide letter under challenge may kindly be removed.

11. That, it is stated and humbly submitted that fact of the case reflects that the authorities have executed the limit and committed the wrong while taking the decision of the examination which is a contrary to the relevant provision, rule and the regulations as introduce or in acted by the State Government the action of the concerned authorities are breach of the judicial pronouncement and attract the right conferred under Article 14 of the Constitution of India which deals the right of the equity before the law.

12. That, it is stated and humbly submitted that although the Government of Bihar has issued a notification bearing notification no. 1056 dated 03.07.2009 and amended the section 12(III) of Bihar Panchayat Elementary Teacher (Employment and Service Condition) Rule 2006 whereby and where under it is clarified that on after appointment / employment of 3 (three) years as a Panchayat Teacher. The eligibility test will be conducted and the teachers securing the cut off marks as 45% for general category and 40% marks for reserve category the increment of Rs. 500.00 and Rs. 300.00 shall be provided to the trained and untrained teachers respectively. It is further communicated that in absence of cut off marks they are not entitled for increments but one more chance will be given to those persons for improving themselves and participate in

the next examination conducted after six months and in absence of securing the cut off marks the concerned teachers the order of removal from the service will be issued by the employer. There is material on the record to declare the said Rule 2012 (Paragraph 15 Kh) is not applicable to these petitioners retrospectively.

13. That Rule 20 of the Bihar Panchayat Prarambhik Teacher Act 2006 is the repeal and Saving Rule while Sub-Clause-1 of Rule 20 of Act-2006 provides that after coming into effect of the present rules all the past rules, orders, resolution etc. shall be considered to be cancelled/revoked. Sub-Clause II of Rule 20 is the Saving Clause. It provides that even after the repeal coming into effect the salary and service condition of the teachers which had been given to them by virtue of the

previous rules, resolutions and orders shall not be affected by the amended rule.

14. That in view of the aforesaid saving clause the petitioners have acquired a status and their right and obligation based on them by Rule 12 of the Rule 2006 stand protected. It is stated that the amendment in rule 12 sub-clause III is protective and would be applicable to such teachers who were not protected by the saving clause. Even though as per clause-III of Rule 20 of 2009 Rules the petitioners would be governed by 2009 Rules but their service condition and salary are protected by Clause-II of Rule 20 of 2006 Rules.

The effect is that the petitioners having not passed the efficiency assessment will only entail financial and monetary loss as they would not be

entitled for an increment of Rs.500/- and Rs.300/- respectively. The petitioner categorically states that the amendment in 2009 Rules in Rule 12 which provides for removal of service in view of the aforesaid saving clause will not apply to the case of the petitioners.

15. That, the petitioners can not be brought under the umbrella of the amended Rule 12 as even though prospective it can not be implemented vis-à-vis the petitioners retrospectively. It is not available to the state to argue that the amended rule 2009 will not apply to the petitioners as Rule-2009 supersedes and revokes Rule 2006. The assessment of teachers as regards their efficiency was never contemplated to be assessed by a body such as SCERT. The SCERT has never taken any training programme of these teachers. The SCERT as

no point of time provided any information to these teachers about the mode method and syllabus for such assessment. The State and its instrumentalities provided training from time to time as provided in the rules. These training were conducted by Bihar education Project under the Sarva Shikshah Abhiyan and they have also undergone training imparted by NCTE approved institution under 2 years programme of IGNOUI in all such trainings the petitioners were assured and granted certificates IGNOU has granted Diploma to these petitioners in primary education. Clause 12 of Rule 2006 states that the assessment shall be YATHA NIRDESHIT MULYANKAR this assessment means an assessment by teachers and Panchayat Raj Units. The Rule 2006 or even the amended Rule 2009 does not contemplate any assessment by SCERT. The petitioners have received

their training as teachers from a recognized institution at the instance and as arranged by the State and it can not be said that these teachers are not appropriately and adequately trained.

16. That, aforesaid act has been challenged earlier in C.W.J.C. No. 10354 of 2009 along with other analogous cases where learned Additional Advocate General appearing for the state had sought time to take instruction in respect of such submission and thereafter through a Supplementary Counter Affidavit filed on 03.11.2009 a categorical stand was taken on behalf of the state that after three years again evaluation test will be held but only for the purpose of awarding second consolidated increase in pay to those who will be successful by securing minimum marks but those who fail to get

the minimum marks would not be removed from service on this ground. That petitioners undertake to produce the aforesaid order at the time of hearing if required so.

17. That, in the said case a Counter Affidavit has been filed on behalf of respondents. In paragraph 6 it has been stated that in the amended Rule 2009 evaluation as directed has been explained by amending sub Rule 3 of Rule 12 of 2006 Rules. In that Counter-Affidavit it has been stated on behalf of respondents that the further the evaluation of performance of the teachers who have been successful in the first efficiency test would be held after three years for the second time by the Human Resources Development Department, Bihar, Patna those teachers who are unable to secure minimum marks in this

evaluation to be held for the second time would not get the second consolidated increase in their pay but they would not be removed from their service on this ground.

A true copy of the said Supplementary Counter-Affidavit is being annexed herewith and marked as Annexure- 2 and it forms a part of this petition.

18. That, even though the respondents may have the right to re-determine the service conditions but the same is not unfettered. To justify a retrospective implementation of a prospective amendment the respondent has to show a reasonable nexus between the concerned rule and the extent of

retrospectively the rule of 2006 as it is penalizes the teachers monetarily and therefore removing them from service as per the amended rules belies all reasonableness. The removal from service as per the amended rules has no nexus as regards the service conditions of the petitioner who under rule 2006 can appear in the efficiency test and therefore they are not good teachers would be unreasonable the fact is that they were appointed as untrained teachers and they have attained a level by undergoing 'in service' training a provided by state.

19. That, the Government letter dated 2nd July 2013 itself shows that question should be asked in evaluation test according to syllabus. But it is necessary to mention here that said questions were not asked in teachers evaluation test 2010

and 2013 within the syllabus. That several questions were asked without giving correct choice of answer as a result of which petitioners have been deprived from selection process and eventually they have failed. That if we see the question of evaluation test 2013 then we find several wrong questions. Therefore petitioners have not succeeded due to aforesaid reason.

20. That, all the petitioners are Urdu teachers and it is informed to all of them by Daily Newspaper Hindustan dated 18.01.2014 that several questions including questions no. 9, 25 and 37 of Evaluation Test 13 are wrong and therefore three marks were already given extra as the grace. Similarly several questions were also asked in this for Urdu Teachers and Physical Teachers.

Photostat copy of the relevant part of Daily News Paper Hindustan dated 18.01.2014 is being annexed herewith and marked as Annexure- 3 and it forms a part of this petition.

21. That, without considering the facts and circumstances a letter no. 7/N 1-26/2009-298 dated 28.02.2014 has been issued by Director, Primary Education, Bihar, Patna whereby it has been directed that in terms of the Rule 12(III) of Bihar Panchayat Primary Teacher (Appointment and Service Condition) Rules 2006 which stands amended by Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules 2009 those teachers who have failed to

clear the efficiency test be show cause and removed from services and payment of such teachers be stopped forth with that in.

Photostat copy of the letter dated 28.2.2014 is being annexed herewith and marked as Annexure- 4 and it forms a part of this petition.

22. That, despite of aforesaid question several wrong questions were asked in Teachers Evaluation Test 2013 and some of the questions were also asked beyond the syllabus.
23. That, it is prayed for quashing the letter dated 12.03.2014, 01.03.2014, 12.3.2014, 05.03.2014 and 13.03.2014 issued by D.E.O./D.P.O. Madhepura, Purnea,

Araria, Supaul and Saharsa in the light of order dated 28.02.2014 passed by Director, Primary Education, Govt. of Bihar, whereby and where under all of sudden "NIYOJAN UNIT' was directed to remove the petitioners without following the law and procedure.

Photo copy of the aforesaid letters are annexed herewith marked as Annexure-5 Series and they form part of this petition.

24. That, in the aforesaid facts and circumstances all the teachers may kindly be allowed to be appear in next Teacher Evaluation Test 2014. Therefore petitioners may not be deprived from either increment or their regular service.

25. That, it is said that some of the teachers who have failed earlier in eligibility / evaluation test have already been removed by the concerned authority have also been reinstated by this Hon'ble Court. Therefore it is prayed that the teachers who have failed in both the Teachers Evaluation Test either 2010 and 2013 they may be continued on their posts save and except their increments.
26. That, it is stated and humbly submitted that the order / letter under challenge reflects that the Government has decided to remove the Panchayat / Prakhand / Nagar Teachers from the service if they failed to achieve the 45% and 40% marks for general and reserved categories in the evaluation test conducted by the State Government. It is relevant to mention here for consideration that the decision take

by the Government with retrospective effect is not permissible in the eye of law. In any view of the matter of amendment made in the year 2012 in the previous rules 2006 cannot over ride, set-aside declared void. Similarly the benefit extended cannot be curtailed without process.

27. That, it is stated that there is no law which empowers the state on its authorities to bring the law with retrospective effect in garb to snatch the benefits which has already been extended in compliance of the Judicial Verdicts and framing a law of furnishing the undertaking before the court of law. It is relevant to state that for the reasons all well explained in the outgoing paragraphs and the discussions made above not only the authorities rather the state is also

committed a gross contempt. In the said reason, it is an appropriate that suo motto contempt proceeding may be initiated against them.

28. That, some of the petitioners have been working on the post of Shiksha Mitra and they have been appointed only for 11 months on the honorarium of Rs. 1,500.00 per months. They have been discharging their duties for the satisfaction of all concerned. Therefore, service of the petitioners were extended to next 11 months and ultimately their services were extended to 60 years after 01.07.2006 (Panchayat Teacher Act- 2006).
29. That, during the course of service several petitioners were sent to training by the State Government through I.G.N.O.U. and they have successfully passed their final training examination. There after

petitioners may be terminated by the aforesaid order in question. That it is also transpired that some other persons who have been failed in Evaluation Test in two times but they have already been selected on the post of teachers in Advertisement No. 210 of 2010 as per direction of the Hon'ble apex court.

30. That, it is humbly submitted that the decision of the State Government is under challenged in the present writ application reveals that the eligibility test and securing 45% and 40% marks for general and reserved categories failing which they will be removed from the service is amount to be termination / removal of the petitioner and the others from the service. It is submitted that the service of the petitioner and others cannot be terminated except in complying with the

provision of Article 311 (2) of the Constitution of India.

31. That, it is sated and humbly submitted that the impugned letter / order is invalid and improper just would be to see whether the Rule expressly or by necessary implication excludes the applicability of Article 311(2) of the Constitution of India. If it does the rule must be held invalid on the other hand if the impugned rule does not have the effect the rule itself impugned not be invalid and the same without complying with the provision of Article 311(2) of the Constitution of India would be invalid incapable of given effects too.

32. That, it is submitted that from the discussion made above the amendment made in the year 2012 with retrospective effect by ignoring the applicability of the

constitutional rights granted under Article 311(2) of the Constitution of India as well as under articles 14 and 16 of the Constitution of India is sufficient to struck down the Government letter and declare the same as invalid and incapable.

33. That, it is stated and humbly submitted that once the petitioner succeeds to take the berth in the list of successful candidates and entered in to service as a Panchayat / Prakhand / Nagar teachers and governed under their service condition. Then the State and its authorities have no jurisdiction to override on the provision of article 311(2) of the Constitution of India and removed them from the service automatically or in failure of the evaluation test. It is well established principle of law and the law interpreted by the temple of the justice that no one

can be removed from the service in absence of the compliance of the constitutional provision as well as the established law. In the said background the amended rules may be declared as an invalid, unconstitutional as well as override before the Highest Court of the Judicial verdict as well as state undertaking as discussed above.

34. That, it is stated and humbly submitted that points which are emerges for the consideration before the Hon'ble High Court is that whether the state and its authorities can introduce the amended rule i.e. impugned order under the present writ by giving effect retrospectively and by ignoring / excluding the requirement of Article 311(2) of the Constitution of India for the purpose of removal from the service is justified or not and the answer

of question is negative. It is submitted that the facts that the action of the authorities are unconstitutional, invalid, incapable and the same cannot be given effects too rather it would be struck down.

35. That, in view of the facts and circumstances as mentioned above and taking into consideration in its totality it is just and proper that the writ application may be allowed and the relief sought for in paragraph no. 1 may be granted in favour of the petitioner and others who are entitled in terms of right conferred by the Constitution of India as well as judicial pronouncement as discussed above.

36. That, if the petitioners are removed in the light of amendment it would amount to inflicting punishment on them. These teachers whose status and right under the

2006 rules stands consolidated by flux of time will suffer irreparable loss. They are sought to be removed by an amendment in the rule which belies all reasonableness and arbitrariness.

37. That, the petitioners have no equally efficacious remedy but by way of this writ application.

38. That, the petitioners have not moved before this Hon'ble Court for the relief prayed for in the writ application here to before.

It is, therefore, prayed that your Lordships may graciously be pleased to admit this application, issue Rule NISI, calling upon the respondents to show- cause as to why the relief prayed for in paragraph no. 1 of this writ petition be

not granted and after hearing the parties be pleased to allow the present writ petition.

AND / OR

Your Lordships may further be pleased to stay the operation of the impugned order as contained in Annexure- 4 and 54 Series during the pendency of the present writ petition.

AND / OR

Pass such other order or orders as your lordships may deem fit and proper in the facts and circumstances of the case.

And for this the petitioners shall ever pray.

Affidavit

I, Rafi Ahmad, aged about 34 years, son of Zubair Ahmad, Resident of Village- Patarghat Kothi, Police Station- Sour Bazar, District- Saharsa, do hereby solemnly affirm and state as follows:-

1. That I am petitioner no.2 in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over and explained to me in Hindi which I have fully understood, the statements made in paragraph nos.3 to 12, 22, 24 to 33 and 34 are true to my knowledge and those made in paragraph nos.20, 21 and 23 are true to my information derived from the records of the case and rest are by way of submissions before this Hon'ble Court.
3. That the annexures are true / photo copies of their respective originals.

रफ़ी अहमद

Annexure -1

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CHART SHOWING DETAILS OF THE PETITIONERS.

No. and Name of Petitioners	Date of Birth	Caste Category	Trained / Un-Trained	Passing year of Matric / Fauquanla	Passing year of Inter / Maulvi with Division	Date of appointment / Joining	Names of School	Marks
1. Shabana Pravin	07.07.1977	General	Un Trained	1993 First	2003 Division	10.03.2007	Middle School Jorgama, Murligani, Madhepura	30
2. Rafi Ahmad	15.08.1979	General	Trained	1998 First	2000 First	19.05.2005	Urdu Middle School, Gadha Rahmanpur, Shankarpur, Madhepura	39
3. Shahjahan Praween	15.04.1985	General	Un Trained	2000 Second	2006 Second	02.07.2007	Upgraded Middle School, Sapardah, Puraini, Madhepura	40
4. Bibi Najrana Khatoon	10.06.1982	General	Un Trained	1997 First	2005 First	13.03.2007	Upgraded Middle School, Bakhri, Madhepura	42

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5.	Noorjahan Khatoon	16.12.1986	E.B.C.	Un Trained	2002	2006	27.06.2007	Kanya Middle School Murho, Madhepura	36
6.	Bibi Sajida Khatoon	16.05.1971	E.B.C.	Un Trained	1987	1989	13.04.2007	Utkarmit Middle School, Hulas Tola Shugadh, Madhepura	07
7.	Bibi Rehana Khatoon	16.01.1974	General	Trained	1989 First	1991	25.02.2003	Upgraded Middle School, Gadha, Rahmanpur, Shankarpur, Madhepura.	37
8.	Jubaida Khatoon	21.05.1987	General	Untrained	2002 First	2005	12.05.2007	Upgraded Middle School, Mahesua, Madhepura	24
9.	Bibi Amnasa Perwin	01.05.1983	General	Untrained	2000 First	2006	05.07.2007	Urdu Middle School, Puraini, Kumarkhand, Madhepura	30

10.	Rehana Khatoon	05.01.1984	General	Untrained	2003 First	2005 First	01.03.2007	Primary School, Dharampurhat, Chanda Chousa, Madhepura.	34
11.	Nujhat Bano	13.06.1986	General	Untrained	2002 First	2004 First	23.02.2007	Urdu Upgraded M.S. Mahesua, Madhepura.	39
12.	Ruby Praween	03.04.1987	General	Untrained	2003 First	2006 First	30.06.2007	Upgraded Urdu Middle School, Bahathpur, Bihariganj, Madhepura.	24
13.	Bibi Ishrat Bano	12.03.1986	E.B.C.	Untrained	2001 First	2004 First	09.03.2007	Upgraded Middle School, Sundar Nagar, Harizan, Madhepura	38
14.	Bibi Safina Khatoon	25.12.1976	General	Trained	1993 First	2005 First	05.08.2003	Urdu Primary School, Lahauna, Patarghat, Saharsa.	39
15.	Abdul Khalique	01.07.1976	General	Trained	1993 First	1995 First	03.01.2004	Urdu Middle School, Bhelahi, Mahisi,	43

								Saharsa.	
16.	Ajrun Nishan	12.07.1977	E.B.C.	Trained	1993 First	2004	12.02.2007	Upgraded Middle School, Bisharia, Goth Bhargama, Araria.	28
17.	Bibi Mansura Khatoon	01.01.1979	E.B.C.	Trained	1996 3 rd	1998	19.04.2007	Upgraded Middle School, Bisharia Goth, Bhargama, Araria.	13
18.	Bibi Sabrun Nishan	20.03.1986	General	Untrained	2002 2 nd	2005 1 st	20.02.2007	Primary School, Irwa, Urdu, Pratapganj, Supaul	21
19.	Bibi Ghajala Tabassum	03.02.1977	General	Untrained	1992 First	2004 1 st	12.08.2007	Middle School Kathara Maktab Mohanpur, Chhatapur, Supaul	28
20.	Imrana Khatun	08.01.1971	General	Trained	1985 2 nd	1987 2 nd	27.03.2003	Urdu Middle School, Pratap pur Tribeniganj, Supaul	36

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21.	Bibi Rafat Ara	12-04-1975	General	Trained	1995 1 st	2004 1 st	03.04.2003	Urdu Kanya Primary School, Tharhi Bhawanipur, Pipra, Supaul.	27
22.	Farnaj Khanam	10.10.1987	General	Trained	2004 1 st	2006 1 st	05.02.2007	Middle School, Tulapatti Kishanpur, Supaul	44
23.	Gulshan Ara	01.01.1979	General	Trained	1994 1 st	1996 1 st	19.02.2007	Urdu Middle School, Tharhi Bhawanipur, Pipra, Supaul	36
24.	Nujhat Perween	09.08.1987	General	Trained	2004 1 st	2006 1 st	01.03.2007	Upgraded Middle School, Pirganj, Nadhi, Kishanpur, Supaul.	38
25.	Bibi Mashira Khanam	01.05.1979	General	Untrained	1996 1 st	1998 1 st	28.06.2005	Urdu Middle School, Tharhi, Bhawanipur, Pipra, Supaul.	43
26.	Bibi Sajda Begam	09.07.1976	E.B.C.	Trained	1990 2 nd	1993 1 st	15.05.2005	Primary School, Padum	28

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								Nagar Bourtha, Raghapur, Supaul	
27.	Rizwana Khatoon	12.04.1972	General	Trained	1990 First	2005	05.02.2007	Primary School, Sohta Chhatapur, Supaul	43
28.	Bibi Shanaz Bano	01.01.1972	E.B.C.	Trained	1983 2 nd	First	12.05.2005	Upgraded Middle School, Indarpur, Chhatapur, Supaul	20
29.	Bibi Gulanoor	05.05.1983	General	Trained	1999	2005	25.02.2007	Upgraded Urdu Middle School, Pirgani, Pipra, Supaul	37
30.	Bibi Rohana Perween Roohi	04.04.1984	E.B.C.	Trained	1999 1 st	2006 1 st	31.01.2007	Upgraded Middle School, Chhatapur, Supaul	33
31	Nikhath Parween	15.05.1987	E.B.C.	Trained	2003 1 st	2005 1 st	11.12.2006	Urdu Kanya Primary School, Bhokrahi	32
32.	Noor Mohammad	09.02.1981	General	Trained	1962 2 nd	2006 1 st	20.03.2007	Upgraded Urdu Middle	29

							School, Jhakhargadh, Maktab, Supaul.		
33.	Bibi Jahni Khatoon	28.09.1970	E.C.F.	Trained	1984 2 nd	1988 2 nd	19.03.2007	Upgraded Urdu Middle School, Jhakhargadh Maktab, Chhatapur, Supaul	30
34.	Rahimaj	30.01.1986	B.C.F.	Trained	2000 First	2004 First	19.03.2007	Maktab Primary school, Jhakhgadh, Chhatapur, Supaul	29
35.	Nikhat Perveen	15.05.1982	E.B.C.	Trained	1994 1 st	2005 1 st	11.12.2006	Urdu Kanya Primary School, Bhokrahi, Kishanpur, Supaul	32
36.	Md. Wakil	06.12.1973	E.B.C.	Trained		1991 1 st	29.06.2005	Primary School, Madhopur Kanya Pariyahi, Chhatapur, Supaul	38

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37.	Abdus Subhan	24.01.1975	General	Trained	1990 2 nd	2007 1 st	15.12.2006	Primary School, Mushlim Sardar Tola Tribeniganj, Supaul.	30
38.	Bibi Salma Khatoon	08.04.1975	E.B.C.	Trained	1991 1 st	1993 1 st	05.06.1982	Upgraded Middle Shool, Katholva Triveniganj, Supaul	28
39.	Bibi Sajda Khatoon	05.06.1982	E.B.C.	Trained	1996 1 st	1996 1 st	29.01.2007	Upgraded Middle School, Chakharagadh, Chhatapur, Supaul.	28
40.	Bibi Sahnaz Khatoon	03.04.1984	E.B.C.	Trained	1998 2 nd	2001 1 st	16.01.2007	Upgraded Middle School, endarpur, Chhatapur, Supaul.	38
41.	Gulfashan Bano	30.11.1976	General	Trained	1993 1 st	2005 1 st	10.02.2007	Urdu Middle Shool, Nemua Supaul.	19
42.	Bibi Shabaha Khatoon	05.01.1982	General	Trained	2006 1 st	12.03.2007	Primary School, Telvagoth, Supaul	37	

43.	Bibi Shahnaz Bano	13.05.1984	General	Trained	19.02.07	1998 1 st	19.02.2007	Upgraded Middle School, Mahua, Supaul.	19
44.	Bibi Sabiha Khanam	01.01.1981	General	Trained	11-05-05	1998 1 st	11.05.2005	Middle School, Raghunathpur, Tribeniganj, Supaul	36
45.	Md. Kalimuddin	01.01.1971	General	Trained	08.01.07	1989 1 st	08.01.2007	Urdu Primary School, Islampur, Jadia, Tribeniganj, Supaul	39
46.	Sajida Rahmani	10.03.1985	General	Trained	04.02.07	2005 1 st	04.02.2007	Upgraded Middle School, Baghaili, Triveniganj, Supaul.	34
47.	Shahnaz Parveen	01.01.1981	General	Trained	2002 1 st	2004 1 st	11.03.2003	Upgraded Urdu Kanya Middle School, Parsa, Supaul.	43
48.	Hena Kausar	08.04.1978	General	Trained	1991 1 st	2004 1 st	02.01.2007	Upgraded Urdu Middle School, Badhaili,	37

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49.	Nikhat Perween	03.07.1986	General	Trained	2004 1 st	2006 1 st	16.02.2007	Triveniganj, Supaul. Primary School Shekha Tola, Machha, Pratapganj, Supaul.	33
50.	Abeda Khatoon	11.02.1986	General	Trained	2004 1 st	2006 1 st	12.02.2007	Middle School, Kaliganj, Supaul.	35
51.	Rahat Khatoon	05.11.1986	General	Untrained	2001 1 st	2004 1 st	06.08.2007	Urdu Primary School, Maktab, Tribeniganj, Supaul.	22
52.	Jaibun Prawin	01.01.1975	General	Trained	1991 1 st	1993 1 st	11.05.2005	Urdu Middle School, Nemua, Block- Supaul, Supaul.	33
53.	Shagufta Rahmani	29.12.1987	General	Trained	1999 1 st	2005 1 st	01-02-2007	Primary School, Chandail, Maricha, Supaul.	42
54.	Md. Haroon	01.05.1976	General	Trained	1990 1 st	1994 1 st	12.05.2005	Primary School,	24

								Chandail, Maricha, Supaul.	
55.	Tajammul	01.01.1976	General	Trained	2000 1 st	2005 1 st	10-03-2003	Urdu Primary School, Dhiwak, Block + District	35
56.	Shabnam Parwin	01.04.1974	General	Trained	1987 2 nd	1989 1 st	05.12.2006	Urdu Primary School, Ghuskol, Supaul.	41
57.	Rizwana Begam	20.01.1972	General	Trained	1987 2 nd	1989 2 nd	12.05.2005	Urdu Primary School, Bela, Situhar, Supaul	27
58.	Bibi Sakina Khatoon	05.05.1987	General	Trained	2004 1 st	2006 1 st	13.02.2007	Upgraded Middle School, Amin Tola (Khokhnahal), Supaul.	08
59.	Murshid Kamal	10.11.1986	General	Trained	2003 1 st	2005 1 st	23.04.2007	Upgraded Middle School, Nirmali, Supaul.	28
60.	Gulshan Parween	03.03.1983		Trained	2004 1 st	2006 1 st	14.02.2007	Upgraded Middle School, Kyorapatti, Kishanpur, Supaul	43

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61.	Bibi Hasina Khatoon	05.03.1985	E.B.C.	Trained	2002 1 st	2005 1 st	28.06.2005	Middle School Urdu, Basantpur, Supaul.	33
62.	Md. Zakir Husain	12.02.1987	General	Trained	2004 1 st	2006 1 st	30.11.2006	Upgraded Urdu School, Khunt, Triveniganj, Supaul.	32
63.	Bibi Samina Naz	06.09.1975	E.B.C.	Trained	1991 1 st	2005 1 st	28.02.2003	Primary Maktab Laharniyar Block Triveniganj, Supaul	32
64.	Mokhtar Alam	04.05.1984	General	Trained	2004 1 st	2006 1 st	04.02.2007	Upgraded Middle School, Shekh Tola, Laxminiyar, Chhatapur, Supaul.	34
65.	Bibi Shrat Perveen Bano	27.11.1984	General	Trained	2001 1 st	2006 1 st	08.01.2007	Middle School Ghatha Pratapganj, Supaul.	31
66.	Bibi Shagufta Perveen	02.02.1987	General	Trained	2002 1 st	2005 1 st	30.01.2007	Upgraded Middle School, Ghatha	29

								Govindpur, Pratapganj, Supaul.	
67.	Shakul Ahmad	15.04.1978	General	Trained	1992 1 st	2005 1 st	14.04.2003	Primary School, Moharpur, Chhatapur, Supaul	40
68.	Hafiz Md. Aamail	01.01.1975	General	Trained	1989 2 nd	1991 2 nd	11.05.2005	Middle School, Kathara Maktab Moharpur, Chhatapur, Supaul.	38
69.	Bibi Shabnam Ara	01.02.1976	E.B.C.	Trained	1990 2 nd	1992 1 st	01.03.2007	Pardanashin Primary School, Tharhi Bhawanipur, Pipra, Supaul.	23
70.	Bibi Ishrat Jahan	25.05.1978	E.B.F.	Trained	1992 1 st	2006 1 st	23.01.2007	Kaniya Primary School. Kamaldaha, Araria.	06
71.	Shabana Taranum	05.02.1977	General	Trained	1993 1 st	1995 1 st	26.12.2006	Urdu Primary School, Hakinganji, Lakhisarai.	22

GOVT. OF BIHAR
 STAMP DUTY
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 INDIA
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Annexure-2

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C. W. J. C. NO. 10354 of 2009.

Dr. Sushil Kumar Petitioner.

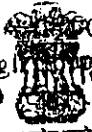
Versus

The State of Bihar and others..... Respondents.

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1.	Supplementary counter Affidavit on behalf of the Respondents. 1 to 4

REGISTRATION OFFICE & PROVISIONAL DEPT.
PATNA SCORE EXTRA
COURT FEE



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11.9.2013
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Authorization No. 2573

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Annexure-2

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BIHAR

NO. 3128 DT. 10/12/2009



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Filed through - 0372 51164

Signature based
Asst Counsel to AGG III
13.10.2009

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C. W. J. C. NO. 10354 of 2009.

Dr. Sushil Kumar Petitioner.

Versus

The State of Bihar and others..... Respondents.

Supplementary Counter Affidavit on behalf of the

Respondents.

I, Ashitosh aged about 45 years son of Gurjcharan

resident of 301 P.V. Complex, Boring Canal Road

na, do hereby solemnly

swear

present posted as Director,

Patna and as such I am well

acts and circumstances of

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13.10.09

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3.

increase in their pay i.e. Rs. 500 for trained teachers and Rs. 300 for untrained teachers.

These teachers who are unable to secure the said minimum marks would be given an additional chance to improve the marks obtained by them. Their revaluation would be done after six months. Those teachers who after the said evaluation secure less marks than the minimum marks, as above, would be removed from service by their appointing authorities.

* further the evaluation of performance of the teachers who have been successful in the First efficiency test would be held after three years for the second time by the Human Resources Development Department, Bihar, Patna. Those teachers who are unable to secure the said minimum marks in this evaluation to be held for the second time would not get the second consolidated increase in their pay but they would not be

76

(57)

4.

removed from their service on this ground.

✓

5. That I have read the contents of this supplementary Counter Affidavit and have understood the same.

6. That the statements of fact contained in paragraphs nos. 1 to 2 and 5 are true to my knowledge while those contained in paragraph no. 4 are based on information derived from the records of the case as made available which I believe to be true and the rest are by way of submissions before this Hon'ble Court.

[Signature]
13/10/09
(ASHUTOSH)

I identify the deponent.
[Signature]
Pc to Ashutosh
RN - 9895/09
dtd - 13.11.13

[Faded text and stamps]
I have...
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A. S. O.
12/11/13
12/11/13

CERTIFIED TO BE TRUE PHOTO COPY
[Signature]
For Joint Registrar
Patna High Court
Authorized U/S 76 Act 1 of 1872

राज्य शिक्षा शोध एवं प्रशिक्षण परिषद् बिहार, पटना-800006

प्रारंभिक शिक्षक मूल्यांकन (दक्षता) परीक्षा-2013

आवश्यक सूचना

100

Annexure-1

77

एतद् द्वारा सूचित किया जाता है कि राज्य के प्रारंभिक विद्यालयों में नियोजित पंचायत/प्रखंड/नगर शिक्षकों के लिए दिनांक 19.10.2013 को आयोजित प्रारंभिक शिक्षक मूल्यांकन (दक्षता) परीक्षा-2013 का परीक्षाफल दिनांक 25.11.2013 को घोषित किया जा चुका है। परीक्षाफल घोषित होने के पूर्व कतिपय परीक्षार्थियों द्वारा सामान्य कोटि और उर्दू कोटि के शिक्षकों के लिए तैयार कुछ प्रश्नों के त्रुटिपूर्ण होने से संबंधित आवेदन दिया गया था। परीक्षार्थियों द्वारा प्रश्नों के त्रुटिपूर्ण होने के संबंध में प्राप्त आवेदन पत्रों की समीक्षा विषय-विशेषज्ञों की एक समिति से परीक्षाफल तैयार होने के पूर्व ही करा ली गई थी। समीक्षा के क्रम में यह पाया गया था कि सामान्य शिक्षक कोटि के लिए तैयार प्रश्न संख्या 9 प्रश्न संख्या 25 और प्रश्न संख्या 37 तथा उर्दू शिक्षक कोटि के लिए तैयार प्रश्न संख्या 26 प्रश्न संख्या 37 और प्रश्न संख्या 45 त्रुटिपूर्ण हैं।

2. इन त्रुटिपूर्ण प्रश्नों का खामियाजा परीक्षार्थियों को न भुगतना पड़े, उसे ध्यान में रखते हुए सामान्य कोटि और उर्दू कोटि के उन सभी परीक्षार्थियों को जिन्होंने इन त्रुटिपूर्ण प्रश्नों को हल करने का प्रयास किया था या न किया था, प्रत्येक प्रश्न के लिए 1-1 अंक यानि कुल 3-3 अंक प्रदान कर परीक्षाफल तैयार किया गया था जिसकी घोषणा दिनांक 25.11.2013 को हुई थी।

3. परीक्षाफल घोषित होने के बाद शारीरिक शिक्षक कोटि के कतिपय परीक्षार्थियों द्वारा कुछ प्रश्नों के त्रुटिपूर्ण होने के सम्बन्ध में आवेदन पत्र दिए गए। शारीरिक शिक्षक कोटि के प्रश्नों के त्रुटिपूर्ण होने संबंधी प्राप्त आवेदनों पर शारीरिक शिक्षा से संबंधित विषय-विशेषज्ञों का मतलब प्राप्त किया गया। विशेषज्ञों ने प्रश्न संख्या 64, प्रश्न संख्या 65 और प्रश्न संख्या 95 को त्रुटिपूर्ण माना है।

उक्त के आलोक में शारीरिक शिक्षकों के परीक्षाफल को प्रश्न संख्या 64, प्रश्न संख्या-65 और प्रश्न संख्या 95 के लिए, जिन्होंने उत्तर देने का प्रयास किया हो या न किया हो, सभी को एक-एक अंक प्रदान कर परीक्षाफल संशोधित किया गया है। इसी प्रकार सामान्य और उर्दू कोटि के परीक्षाफल को भी प्रश्न संख्या 95 के आधार पर 1-1 अंक प्रदान कर परीक्षाफल संशोधित किया गया है। लेकिन, प्रश्न संख्या 64, 65 और 95 में उनके पूर्व के उत्तर के आधार पर उन्हें एक-एक अंक प्रदान कर दिए गए थे, उन्हें पुनः उसके लिए अलग से अंक प्रदान नहीं किया गया है। ऐसे परीक्षार्थियों का परीक्षाफल पूर्व में उन्हें सन्दर्भित प्रश्नों के विरुद्ध अंक प्रदत्त किये जाने के कारण पूर्ववत् है अर्थात् उसमें किसी तरह का संशोधन नहीं हुआ है।

संशोधित परीक्षाफल शिक्षा विभाग के वेबसाईट www.educationbihar.gov.in पर उपलब्ध है। सभी जिला शिक्षा पदाधिकारियों से अनुरोध है कि संशोधित परीक्षाफल (मूल्यांकन कार्ड और टेबुलेशन शीट) अपने प्राधिकृत कर्मों को परिषद् भेज कर पुराना प्राप्त कर संबंधित परीक्षार्थियों से पूर्व का निर्गत मूल्यांकन कार्ड वापस लेकर उन्हें संशोधित मूल्यांकन कार्ड उपलब्ध करा देने की कृपा करें। संशोधित टेबुलेशन शीट भविष्य के संदर्भ के लिए कार्यालय में संभारित किया जाय।

निदेशक

राज्य शिक्षा शोध एवं प्रशिक्षण परिषद्
बिहार, पटना-800006

18.1.14 दि.पु.स.म.

Annexure-4

पत्रांक :- 7/नि० 1-26/2009 298

(59)
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बिहार सरकार
शिक्षा विभाग।

प्रक.

सरवर्णन एम०. (ग०-००-०००).
निदेशक, प्राथमिक शिक्षा।

सेवा में,

सभी जिला शिक्षा पदाधिकारी.

सभी जिला कार्यक्रम पदाधिकारी (स्थापना)।

विषय :-

प्रारंभिक विद्यालयों में नियोजित शिक्षकों के लिए आयोजित मूल्यांकन (दक्षता जाँच) परीक्षाओं में लगातार दो बार अनुत्तीर्ण होने वाले शिक्षकों को नियमावली के अनुसार सेवा से हटा दिये जाने के सम्बन्ध में।

पटना, दिनांक :- 28/02/14

महाशय,

उपर्युक्त विषय के सम्बन्ध में कहना है कि बिहार पंचायत प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) (संशोधन) नियमावली 2009 एवं बिहार नगर प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) (संशोधन) नियमावली 2009 के तहत बिहार पंचायत प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) नियमावली, 2006 एवं बिहार नगर प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) नियमावली, 2006 के नियम 12 के उपनियम (iii) का संशोधन करते हुए उक्त नियमावली के नियम 12 का उपनियम (iii) निम्नलिखित द्वारा प्रतिस्थापित किया गया है :-

" प्रत्येक तीन वर्षों के बाद (कुल दो बार) इस नियमावली के अधीन नियोजित शिक्षकों का यथानिर्देशित मूल्यांकन (दक्षता जाँच) किया जायेगा। मूल्यांकन के आधार पर सामान्य कोटि में न्यूनतम 45% एवं आरक्षित कोटि में न्यूनतम 40% अंक प्राप्त करनेवाले प्रशिक्षित शिक्षकों के वेतन में 500/- (पाँच सौ) रुपये तथा अप्रशिक्षित शिक्षकों के वेतन में 300/- (तीन सौ) रुपये की एकमुश्त वृद्धि की जायेगी। निर्धारित अंक से कम अंक प्राप्त करनेवाले शिक्षकों को वेतन वृद्धि देय नहीं होगी। सामान्य कोटि में 45% से नीचे तथा आरक्षित कोटि में 40% से नीचे अंक प्राप्त करनेवाले शिक्षकों को उनके अंक में सुधार हेतु एक अतिरिक्त मौक़ा दिया जायेगा। छः माह के बाद उनका पुनर्मूल्यांकन किया जायेगा। मूल्यांकन के पश्चात निर्धारित न्यूनतम अंक से कम अंक प्राप्त करनेवाले शिक्षकों को उनके नियोक्ता के द्वारा सेवा से हटा दिया जायेगा। "

उक्त नियमावली के आलोक में प्रारंभिक विद्यालयों में नियोजित शिक्षकों की मूल्यांकन (दक्षता जाँच) परीक्षा समय-समय पर राज्य शिक्षा शोध एवं प्रशिक्षण परिषद (SCERT), पटना के द्वारा आयोजित किया जाता रहा है। निदेशक, राज्य शिक्षा शोध एवं प्रशिक्षण परिषद, पटना ने अपने पत्रांक- 110 दिनांक 10.01.2014 के द्वारा दो मूल्यांकन (दक्षता जाँच) परीक्षाओं में अनुत्तीर्ण शिक्षकों की सूची विभाग को उपलब्ध कराया है। यह सूची विभागीय website पर भी उपलब्ध है।

उपर्युक्त नियमावली 2009 के आलोक में सम्बन्धित नियोजन इकाई के द्वारा उक्त सूची में अंकित अनुत्तीर्ण शिक्षकों को विहित प्रक्रिया यथा एक बार कारण पृच्छा करके सेवा से हटाने की कार्यवाही की

9/1/14

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जानी है। अतएव आप सभी नियोजन इकाईयों से सूचना प्राप्त कर लें कि सम्बन्धित शिक्षकों को सेवामुक्त कर दिया गया है। यदि उन्हें अभी तक सेवामुक्त नहीं किया गया हो उन्हें अविलम्ब सेवामुक्त करने का निदेश अपने स्तर से सम्बन्धित नियोजन इकाई को भेजें। साथ ही यह भी सुनिश्चित करें कि उक्त शिक्षकों का नियत वेतन का भुगतान किसी भी परिस्थिति में नहीं हो। आपके सुविधा हेतु प्रासंगिक पत्र की प्रति एवं आपके जिला से सम्बन्धित शिक्षक की सूची संलग्न की जाती है।

अनु० :- यथोक्त ।

विश्वासभाजन,

[Handwritten Signature]
(सरवेणम एम०)

निदेशक, प्राथमिक शिक्षा।

आपांक :- 7/नि० 1-28/2009 298 / पटना, दिनांक :- 28/02/14

प्रतिलिपि :- राज्य परियोजना निदेशक, बिहार शिक्षा परियोजना परिषद्, पटना/सभी जिला प्रमुखिकारी एवं सभी क्षेत्रीय शिक्षा उप निदेशक को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

[Handwritten Signature]
19/1/14

[Handwritten Signature]
28/2/2014
निदेशक, प्राथमिक शिक्षा।

25/03/14

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राज्य शिक्षा शोध एवं प्रशिक्षण परिषद, बिहार, पटना-800006.

प्राथमिक शिक्षक मूल्यांकन (दक्षता) परीक्षाओं में लगातार दो बार अनुत्तीर्ण शिक्षक/शिक्षिकाओं की जिलावार संख्या

जिला का नाम	जिला कोड	सूची-1	सूची-2	सूची-3	सूची-4	सूची-5	कुल
1	2	3	4	5	6	7	8
ARARIA	01	287	6	3	4	1	301
ARWAL	02	4	0	0	0	0	4
AJRANGABAD	03	8	4	4	0	0	16
BANKA	04	59	7	1	4	0	71
BEGUSARAI	05	49	1	1	0	0	51
BHAGALPUR	06	42	4	0	1	1	48
BHOJPUR (ARA)	07	15	2	1	0	0	18
BUXAR	08	10	1	1	0	0	12
DARBHANGA	09	97	3	3	0	1	104
E. CHAMPARAN (MOTIHARI)	10	95	5	5	0	4	109
GAYA	11	55	2	0	0	2	59
GOPALGANJ	12	5	1	1	0	0	7
JAMUI	13	44	4	1	0	0	49
JEHANABAD	14	3	3	0	0	0	6
KAIMUR (BHABHUA)	15	15	0	0	0	0	15
KATI HAR	16	239	6	0	3	1	249
KHAGARIA	17	21	1	0	0	0	23
KISHANGANJ	18	331	9	3	11	4	358
LAKHISARAI	19	26	1	0	0	0	27
MADHEPURA	20	128	5	0	4	6	143
MADHUBANI	21	137	11	8	0	0	156
MUNGER	22	10	0	0	0	0	10
MUZAFFARPUR	23	25	1	0	0	0	26
NALANDA (BIHARSHARIF)	24	25	1	0	0	0	26
NAWADA	25	26	3	1	0	0	30
PATNA	26	19	0	0	0	1	20
PURNEA	27	223	5	3	5	0	236
ROHTAS (SASARAM)	28	8	0	0	0	0	8
SAHARSA	29	72	0	0	1	4	77
SAMASTIPUR	30	77	5	0	0	1	83
SARAN (CHAPARA)	31	12	0	0	0	0	12
SHEIKHPURA	32	4	0	2	0	0	6
SHEOHAR	33	8	0	0	0	0	8
SITAMARHI	34	38	1	3	0	3	45
SIWAN	35	15	0	0	0	0	15
SUPAUL	36	195	5	1	5	1	207
V AISHALI (HAJIPUR)	37	27	2	0	0	0	29
W. CHAMPARAN (BETTIAH)	38	62	5	1	0	2	70
कुल		2516	104	43	38	33	2734

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ELEMENTARY TEACHER'S EVALUATION EXAMINATION

Details of failed candidates

I.	2013 - 2010	-	Previous Roll No. Mentioned	- 2516
II.	2013-2010	-	Previous Roll No. not mentioned	- 104
III.	2013-2009	-	Previous Roll No. mentioned -	- 43
IV.	2013-2009	-	Previous Roll No. not mentioned	- 38
V.	2010-2009	-		- 33
			Total	- 2734

Annexure-S Series
कार्यालय जिला शिक्षा पदाधिकारी, मधेपुरा

(स्थापना शाखा)

पत्रांक.....

(88) 82

प्रेषक:

जिला कार्यक्रम पदाधिकारी,
स्थापना, मधेपुरा।

सेवा में,

1. जिले के सभी प्रखंड विकास पदाधिकारी
-सह- सदस्य सचिव, प्रखंड शिक्षक नियोजन इकाई।
2. जिले के सभी ग्राम पंचायत सचिव
-सह- सदस्य सचिव, ग्राम पंचायत शिक्षक नियोजन इकाई।

मधेपुरा, दिनांक.....

विषय : प्रारंभिक विद्यालयों में नियोजित शिक्षकों के लिए आयोजित मूल्यांकन (दक्षता जाँच) परीक्षाओं में लगातार दो बार अनुत्तीर्ण होने वाले शिक्षकों को नियमावली के अनुसार सेवा से हटा दिये जाने के संबंध में।

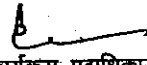
प्रसंग : निदेशक, प्राथमिक शिक्षा, बिहार पटना के पत्रांक-298, दिनांक-28.02.2014
महाशय,

उपर्युक्त विषयक प्रारंभिक पत्र के आलोक में प्रारंभिक विद्यालयों में नियोजित शिक्षकों के लिए आयोजित मूल्यांकन (दक्षता जाँच) परीक्षाओं में लगातार दो बार अनुत्तीर्ण होने वाले शिक्षकों को नियमावली के अनुसार सेवा से हटा दिये जाने के लिए अनुत्तीर्ण शिक्षकों की सूची प्रखंडवार इस पत्र के साथ संलग्न कर भेजी जा रही है। संबंधित नियोजन इकाई द्वारा नियमावली के आलोक में उक्त सूची में अंकित अनुत्तीर्ण शिक्षकों को विहित प्रक्रिया यथा एक बार कारण पृच्छ करके सेवा से हटाने की कार्यवाही की जाय तथा अबिलम्ब से यामुक्त किया जाय। साथ ही उक्त शिक्षकों को नियत वेतन का भुगतान किसी भी परिस्थिति में नहीं हो यह भी सुनिश्चित किया जाय।

कृपया इसे सर्वोच्च प्राथमिकता दें।

अनुलग्नक : सथोक्त

विश्वासभाजन


जिला कार्यक्रम पदाधिकारी,
स्थापना, मधेपुरा।

ज्ञापक.....531...../मधेपुरा, दिनांक.....12.3.14

प्रतिलिपि : जिले के सभी प्रखंड शिक्षा पदाधिकारी को सूचनाय एवं आवश्यक कार्यार्थ प्रेषित तथा निदेश दिया जाता है कि पत्र में अंकित निदेश का अनुपालन शीघ्र सुनिश्चित कराते हुए अनुपालन प्रतिवेदन अधोहस्ताक्षरी को समर्पित करें।

(2)
12.3.14
जिला कार्यक्रम पदाधिकारी,
स्थापना, मधेपुरा।

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7/110 1-28/2009 298

बिहार सरकार
शिक्षा विभाग।

प्रेषक,

सरपंचम एम०, (मा००००००)
निदेशक, प्राथमिक शिक्षा।

सेवा में,

कामी जिला शिक्षा पदाधिकारी,
सामी जिला कार्यक्रम पदाधिकारी (स्थापना)।

पटना, दिनांक - 29/02/14

विषय -

प्राथमिक विद्यालयों में नियोजित शिक्षकों के लिए आयोजित मूल्यांकन (दसता जाँच) परीक्षाओं में लगातार दो बार अनुत्तीर्ण होने वाले शिक्षकों को नियमावली के अनुसार सेवा से हटा दिये जाने के सम्बन्ध में।

महाराय,

उपरोक्त विषय के सम्बन्ध में कहना है कि बिहार प्रजापत प्राथमिक शिक्षक (नियोजित एवं सेवा शर्त) (संशोधन) नियमावली 2009 एवं बिहार नगर प्राथमिक शिक्षक (नियोजित एवं सेवा शर्त) (संशोधन) नियमावली 2009 के तहत बिहार प्रजापत प्राथमिक शिक्षक (नियोजित एवं सेवा शर्त) नियमावली 2009 एवं बिहार नगर प्राथमिक शिक्षक (नियोजित एवं सेवा शर्त) नियमावली 2009 के नियम 12 के उपनिबन्ध (ii) का संशोधन करते हुए उक्त नियमावली के नियम 12 का उपनिबन्ध (iii) निम्नलिखित द्वारा प्रतिस्थापित किया गया है -

प्रत्येक तीन वर्षों के बाद (यदि दो बार अनुत्तीर्ण) नियोजित शिक्षकों का यथानिर्दिष्ट मूल्यांकन (दसता जाँच) किया जाएगा। मूल्यांकन के आधार पर शिक्षकों कोटि में अनुत्तीर्ण 40% एवं आशंकित कोटि में अनुत्तीर्ण 40% अंक प्राप्त करने वाले प्राथमिक शिक्षकों को तीन वर्षों के लिए (तीन वर्षों) अपने वर्तमान नियोजित आयोग में स्थानित अंक से कम अंक प्राप्त करने वाले शिक्षकों को सेवा में हटा दिया जाएगा। यदि शिक्षकों को 40% से कम अंक तथा आशंकित कोटि में 40% से नीचे अंक प्राप्त करने वाले शिक्षकों को उनके नियोजित आयोग से हटा दिया जाएगा। छ: माह के बाद उनका पुनर्मूल्यांकन किया जाएगा। मूल्यांकन के परिणामों के आधार पर अनुत्तीर्ण अंक से कम अंक प्राप्त करने वाले शिक्षकों को उनके नियोजित आयोग से हटा दिया जाएगा।

उक्त नियमावली के अलावा में प्राथमिक विद्यालयों में नियोजित शिक्षकों को मूल्यांकन (दसता जाँच) परीक्षा समय-समय पर राज्य शिक्षा शोध एवं प्रशिक्षण परिषद (SCERT), पटना के द्वारा आयोजित किया जाता रहा है। निदेशक, राज्य शिक्षा शोध एवं प्रशिक्षण परिषद, पटना ने अपने पत्रांक - 119 दिनांक 19.01.2014 के द्वारा दो मूल्यांकन (दसता जाँच) परीक्षाओं में अनुत्तीर्ण शिक्षकों की सूची विभाग को उपलब्ध कराया है। यह सूची विभागीय website पर भी उपलब्ध है।

उपरोक्त नियमावली 2009 के अलावा में सम्बंधित विधायन इकाई के द्वारा उक्त सूची में अंकित अनुत्तीर्ण शिक्षकों को विहित प्रक्रिया तथा एक बार कारण पूछा करके सेवा से हटाने की कार्यवाही की

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जाती है। अतएव आप सभी नियोजन इकाईयों से सूचना प्राप्त कर लें कि सम्बन्धित शिक्षकों को सेवामुक्त कर दिया गया है। यदि उन्हें अभी तक सेवामुक्त नहीं किया गया हो उन्हें अविलम्ब सेवामुक्त करने का निर्देश अपने स्तर से सम्बन्धित नियोजन इकाई को भेजें। साथ ही यह भी सुनिश्चित करें कि उक्त शिक्षकों का नियत वेतन का भुगतान किसी भी परिस्थिति में नहीं हो। आपके सुविधा हेतु प्रास्ताविक पत्र की प्रति एवं आपके जिला से सम्बन्धित शिक्षकों की सूची संलग्न की जाती है।

अनु० :- यथोक्त ।

विरवारभाजन

(Handwritten signature)
निदेशक, प्राथमिक शिक्षा

आपंक :- 77/वि० 1-26/2009-258/ पटना, दिनांक :- 28/03/14

प्रतिलिपि :- राज्य परियोजना निदेशक, मिश्र शिक्षा परियोजना, पट्टिपद, पटना/सभी जिला प्रदायिकाएँ एवं सभी क्षेत्रीय शिक्षा एवं निदेशक को सूचना हेतु एवं सूचना प्रसारण के लिए।

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आपंक :- 757/वि० 1-26/2009-258/ पटना, दिनांक :- 28/03/14

प्रतिलिपि :- जिला के सभी मंचायत नियोजन इकाई के सचिव/संयोजक/संयोजिकाएँ, नियोजन इकाई के सचिव/संयोजक/संयोजिकाएँ, प्रत्येक विभाग, प्रदायिकाएँ, सभी मंचायत इकाईयों एवं नगर कार्यपालक प्रदायिकाएँ, नगर निगम इकाईयों, नगर मंचायत इकाईयों, नगर मंचायत कक्षाओं को सूचना हेतु सूचना प्रसारण के लिए। अतएव सूचित है कि उक्त सूचना प्रसारण विधिवत करते हुए अनुमोदित प्रतिलिपि जिले पटना के उक्त सूचना प्रसारण इकाई के सचिव/संयोजक/संयोजिकाओं को भेजी जायेगी। सभी प्रमुख शिक्षा प्रदायिकाओं को निदेशक द्वारा जिला शिक्षा प्रदायिका के माध्यम से सूचित, अपने स्तर से सभी नियोजन इकाई को उपलब्ध कराने हेतु अनुमोदित प्रतिलिपि प्रदायिकाओं को उपलब्ध कराना सुनिश्चित करें।

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जिला कार्यालय, प्रदायिकाएँ, पट्टिपद

दिनांक 12/05/14

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प्रेषक - शिक्षा कार्य, अयोध्या
(प्रमाणित) अयोध्या।

सेवा में,

विद्यालय स्वामी निवेदन अधिकारी, प्रखण्ड/विद्यालय/नगर विद्यालय
नगर विद्यालय अयोध्या।

(अयोध्या, दिनांक 12/05/14)

विषय - राष्ट्रीय शिक्षण दिवसों के निर्धारण के लिए आयोग
पुस्तकालय (फ्लॉरा डी.बी.) - दिनांकों में आज्ञाकार को वार सुधारी
निवेदन - शिक्षण दिवसों के आयोजन के लिए
विद्यार्थियों के ध्यान में

सहाय्य,

उपर्युक्त लिखित कृता है कि निदेशक प्राथमिक शिक्षण

विद्यालय का पत्रांक पत्रिका - 26/2009-2010 के अंतर्गत पुस्तक
विद्यालय प्रखण्ड प्राथमिक शिक्षण विद्यार्थियों को देना है। (प्रमाणित)
विद्यालय 2009 पूर्व विद्यालय नगर प्राथमिक शिक्षण (निवेदन को देना है)
विद्यालय 2000 के विद्यालय नगर प्राथमिक शिक्षण (निवेदन को देना है)
विद्यालय 2000 के विद्यालय 10 के उपविभाग (11) का अंतर्गत नगर पु
प्रखण्ड विद्यालय के विद्यालय 10 का उपविभाग (11) विद्यालय नगर प्रखण्ड
विद्यालय

अंतर्गत हीम बर्न के वार (पुस्तक को वार) प्रखण्ड विद्यालय

के राष्ट्रीय शिक्षण दिवसों का आयोजन के लिए पुस्तकालय (फ्लॉरा डी.बी.)
विद्यालय अयोध्या नगर के प्रखण्ड प्रमाणित नगर विद्यालय के नगर प्रखण्ड
प्राप्त करने के लिए शिक्षण दिवसों के अंतर्गत विद्यालय के अंतर्गत देना है प्रमाणित
आज्ञा।

अंतर्गत विद्यालय 2009 के अंतर्गत में राष्ट्रिय शिक्षण

निवेदन अधिकारी को वार अंतर्गत नगर हीम बर्न के वार (पुस्तक को वार) प्रखण्ड विद्यालय
प्रखण्ड विद्यालय नगर के प्रखण्ड प्रमाणित नगर विद्यालय के नगर प्रखण्ड
प्राप्त करने के लिए शिक्षण दिवसों के अंतर्गत विद्यालय के अंतर्गत देना है प्रमाणित
आज्ञा।

विद्यालय अयोध्या

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कार्यालय, जिला शिक्षा पदाधिकारी, सुपौल

पत्रांक..... 331 (170) (67) 86

प्रेषक :- जिला शिक्षा पदाधिकारी,
सुपौल।

सेवा में,
सदस्य, सचिव, पंचायत शिक्षक नियोजन ईकाई
ग्राम पंचायत - प्रखंड-

सुपौल, दिनांक 31 मार्च, 2014

विषय :- प्रारंभिक विद्यालयों में नियोजित वैसे शिक्षक जो विभाग द्वारा आयोजित मूल्यांकन (दक्षता जांच) परीक्षा में दो प्रयास के बावजूद अनुत्तीर्ण है को सेवा से मुक्त करने के संबंध में।

प्रसंग :- निदेशक (प्रा0 शि0) बिहार, पटना के पत्रांक 298, दिनांक 28.02.2014

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के द्वारा प्रारंभिक विद्यालयों में नियोजित वैसे शिक्षक जो विभाग द्वारा आहूत दक्षता परीक्षा में दो बार अनुत्तीर्ण रहे हैं की सूची उपलब्ध कराते हुए संबंधित नियोजन ईकाई के माध्यम से सेवा से मुक्त करने हेतु आदेश दिया गया है। इसी क्रम में यह भी आदेश किया गया है कि इन शिक्षकों से सेवा मुक्ति पूर्व कारण पृच्छा करते हुए सेवा मुक्त करने की कार्यवाही की जाय।

अस्तु दो प्रयास के बावजूद दक्षता अनुत्तीर्ण नियोजित शिक्षकों की सूची इसके साथ संलग्न करते हुए निदेश दिया जाता है कि सूची के शिक्षकों से कारण पृच्छा करते हुए उन्हें सेवा मुक्त करने की कार्यवाही की जाय एवं कृत कार्यवाही की सूचना इस कार्यालय को भी उपलब्ध कराना सुनिश्चित करें।

कृताज्ञे इसके लार्गे को दाय प्रदान करे।

विश्वासराजन

जिला शिक्षा पदाधिकारी,
सुपौल।

ज्ञापक 331 (170) / सुपौल, दिनांक 31/3/14

प्रतिलिपि :- संबंधित प्रखंड विकास पदाधिकारी तथा संबंधित प्रखंड शिक्षा पदाधिकारी को सूचनार्थ एवं अनुपालनार्थ प्रेषित। निदेश दिया जाता है कि अपने स्तर से भी आदेश का अनुपालन सुनिश्चित कराते हुए अनुपालन प्रतिवेदन इस कार्यालय को समर्पित करेंगे तथा किसी भी हालत में इन सेवा मुक्त शिक्षकों का वेतन भुगतान नहीं हो इसे अपने स्तर से सुनिश्चित करावेंगे।

जिला शिक्षा पदाधिकारी,
सुपौल।

ज्ञापक 331 (170) / सुपौल, दिनांक 31/3/14

प्रतिलिपि :- क्षेत्रीय शिक्षा उप निदेशक, कोशी प्रमंडल, सहरसा एवं निदेशक (प्रा0 शि0) बिहार, पटना को उनके पत्रांक 298, दिनांक 28.02.2014 के क्रम में सूचनार्थ समर्पित।

जिला शिक्षा पदाधिकारी,
सुपौल।

कार्यालय :- जिला शिक्षा पदाधिकारी सहरसा।

(स्थापना शाखा)

पत्रांक/

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प्रेषक.

सुरेन्द्र कुमार,
जिला कार्यक्रम पदाधिकारी,
(स्थापना), सहरसा।

सेवा में,

सदस्य सचिव
श्री ३३ शिक्षा विभाग सहरसा
श्री ३३ विभाग ५६/स्थापना, ५२५६

सहरसा, दिनांक मार्च, 2014.

विषय :- प्रारंभिक विद्यालयों में नियोजित शिक्षकों के लिए आयोजित मूल्यांकन(दक्षता जाँच) परीक्षाओं में लगातार दो बार अनुत्तीर्ण होने वाले शिक्षकों को शिक्षक नियोजन नियमावली के आलोक में सेवा से हटा दिये जाने के संबंध में।

प्रसंग :- निदेशक(प्रा०शि०) शिक्षा विभाग, बिहार पटना के पत्रांक 298 दिनांक 28.02.2014 एवं जिला शिक्षा पदाधिकारी, सहरसा के पत्रांक 198 दिनांक 08.03.2014

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में अंकित करना है कि निदेशक, राज्य शिक्षा शोध एवं प्रशिक्षण परिषद् (SCRT) बिहार पटना ने अपने पत्रांक 110 दिनांक 10.01.2014 के द्वारा दो मूल्यांकन (दक्षता जाँच) परीक्षाओं में अनुत्तीर्ण शिक्षकों की सूची विभाग को उपलब्ध करायी गयी है, जिसे समेकित कर विभाग द्वारा उपलब्ध कराया गया है। शिक्षक नियोजन नियमावली, 2009 के आलोक में संबंधित नियोजन इकाई के द्वारा उक्त सूची में अंकित अनुत्तीर्ण शिक्षकों को विहित प्रक्रिया यथा एक बार कारणपृच्छा करके सेवा से हटाने की कार्रवाई नियोजन इकाई (नियोक्ता) के द्वारा की जानी है।

अतः विभाग द्वारा प्राप्त सूची को संलग्न करते हुए आपको निदेशित किया जाता है कि दो बार मूल्यांकन (दक्षता जाँच) परीक्षा में अनुत्तीर्ण उक्त शिक्षकों से एक बार कारण पृच्छा कर उन्हें सेवा से अविलम्ब मुक्त करने की कार्रवाई की जाय तथा कृत कार्रवाई से अद्योहस्ताक्षरी को प्रतिवेदित करना सुनिश्चित की जाय।

अनुलग्नक:-

1. विभागीय पत्र
2. अनुत्तीर्ण शिक्षकों की सूची

विश्वासमाजन्

६०-

(सुरेन्द्र कुमार)

जिला कार्यक्रम पदाधिकारी

(स्थापना), सहरसा।

ज्ञापांक ६६७-१३/स्था०

सहरसा, दिनांक 13 मार्च, 2014.

प्रतिलिपि :- जिला पदाधिकारी, सहरसा/ क्षेत्रीय शिक्षा उप-निदेशक, कोशी प्रमंडल, सहरसा/ जिला शिक्षा पदाधिकारी, सहरसा/सभी प्रखण्ड शिक्षा पदाधिकारी, सहरसा की सेवा में सूचनार्थ एवं आवश्यक कार्यार्थ समर्पित।

(सुरेन्द्र कुमार)

जिला कार्यक्रम पदाधिकारी

(स्थापना), सहरसा

13/3/14



बिहार सरकार
(शिक्षा विभाग)
कार्यालय, जिला शिक्षा पदाधिकारी, लखीसराय
बिहार-811011



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पत्रांक- 865/

लखीसराय, दिनांक- 06/03/2014

प्रेषक :-

बसंत कुमार,
जिला शिक्षा पदाधिकारी,
लखीसराय।

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सेवा में,

जिला कार्यक्रम पदाधिकारी,
स्थापना, लखीसराय।

विषय :-

प्रारंभिक विद्यालयों में नियोजित शिक्षकों के लिए आयोजित मूल्यांकन (दक्षता जांच) परीक्षाओं में लगातार दो बार अनुत्तीर्ण होने वाले शिक्षकों को नियमावली के अनुसार सेवा से हटा दिये जाने के संबंध में।

महाशय,

उपर्युक्त विषयक निदेशक, (प्रा.शि.), शिक्षा विभाग, बिहार पटना के

पत्रांक-7/नि.1-26/2009-298, दिनांक-28.02.2014 (संलग्न) द्वारा प्राप्त सी0डी0 में अंकित शिक्षक जिन्होंने मूल्यांकन (दक्षता जांच) परीक्षा में लगातार दो बार अनुत्तीर्ण हुए हैं की सूची इस पत्र के साथ संलग्न कर आपको उपलब्ध कराया जा रहा है।

अतएव निदेश है कि संलग्न सूची में अंकित शिक्षकों को बिहार पंचायत शिक्षक (नियोजन एवं सेवा शर्त) (संशोधन) नियमावली-2009 एवं बिहार नगर प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) (संशोधन) नियमावली-2009 के तहत बिहार पंचायत प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) नियमावली 2006 एवं बिहार नगर प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) नियमावली 2006 के नियम-12 का उपनियम (III) के आलोक में सेवा से मुक्त करने हेतु संबंधित नियोजन इपगई को निर्देशित करना सुनिश्चित करें। साथ ही यह भी सुनिश्चित करें कि उक्त शिक्षकों का नियत वेतन का भुगतान किसी भी परिस्थिति में नहीं हो। कृत कार्यवाई से संबंधित अनुपालन प्रतिवेदन अधोहस्ताक्षरी को अविलंब उपलब्ध कराया जाय, ताकि निदेशालय पटना को प्रतिवेदित किया जा सके।

विश्वासभाजन

(बसंत कुमार)

जिला शिक्षा पदाधिकारी,
लखीसराय

21/3/14