

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12009 of 2025

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Hari Shankar Prasad Singh, Son of Ram Nagina Singh, Resident of Village-
Imadpur, P.O. Imadpur, P.S. Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Vaishali.
5. The District Programme Officer (Establishment), Vaishali, P.S. Hajipur Sadar, District, Vaishali
6. The Block Education Officer, Bhagwanpur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Respondent/s : Mr. K.N. Jha, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 28-07-2025

Heard Mr. Vasant Vikash, learned counsel for the petitioner and Mr. K.N. Jha, learned AC to GP-11 representing the respondent-State.

2. This writ petition is directed against the order issued vide memo No. 4093 dated 15.12.2020 by the District Education Officer, Vaishali, whereby the petitioner has been granted 50% salary for the period 01.11.2013 to 28.05.2017, with a further prayer for a direction to the respondents to pay full salary to the petitioner for the period mentioned above in



view of the order passed by the District Education Officer vide Memo no. 576 dated 10.02.2018.

3. At the outset, it may be noted that there is inordinate delay by the petitioner in challenging the order dated 15.12.2020 passed by the District Education Officer, Vaishali, which was issued as far back as on 15.12.2020.

4. Despite the delay in filing the writ petition in the year 2025, challenging the order dated 15.12.2020, issued by the District Education Officer, Vaishali, the claim of the petitioner made in this writ petition has been examined on merit.

5. The petitioner was terminated from service of Assistant Teacher vide Memo No. 8067 dated 31.10.2013 (Annexure-P/4), issued by the District Programme Officer (Establishment), Vaishali on the ground that he did not meet the criterion/percentage of disability as required under the law for his appointment under the category 'Physically Handicapped'. The termination order dated 31.10.2013 was challenged by the petitioner by filing C.W.J.C. No. 22958 of 2013, which was disposed off by this Court vide order dated 04.07.2016, whereby this Court, while setting aside the termination order of the petitioner, has directed the District Programme Officer, Vaishali to take steps for fresh examination of the petitioner's disability



in accordance with guidelines contained in Clause-3 of the letter dated 25.05.2010 issued by the Social Welfare Department. While directing as above, it was further observed that the petitioner would be entitled for salary for the period he has worked as Assistant Teacher.

6. In compliance of the aforesaid order passed in C.W.J.C. No. 22958 of 2013, the petitioner was reinstated in service vide memo no. 1733, dated 29.05.2017 (Annexure-P/6), issued by the District Programme Officer (Establishment), Vaishali. While reinstating the petitioner in service by the aforesaid order, it was provided that the petitioner would not be entitled to the salary for the period he did not work as was the observation made vide order dated 04.07.2016, passed in C.W.J.C. No. 22958 of 2013.

7. Thereafter, the petitioner filed another writ petition being C.W.J.C. No. 21687 of 2018 with a prayer for payment of salary for the period he was kept out of employment. The petitioner in that writ petition had contended that the teachers, who were terminated along with the petitioner and thereafter reinstated, have been granted benefit of salary for the period they remained terminated from service. C.W.J.C. No. 21687 of 2018 filed by the petitioner was disposed of by this Court vide



order dated 18.07.2019 whereby direction was given to the respondent authorities to verify the fact whether the similarly circumstanced other teachers have been reinstated with back wages or not. It was also directed to take necessary decision regarding granting of back wages at par with the similarly circumstanced teachers with all consequential benefits within maximum period of 60 days from the date of receipt/production of a copy of the order.

8. In compliance of the aforesaid order, the District Education Officer, Vaishali has passed the impugned order dated 15.12.2020, whereby the petitioner has been granted 50 % of the salary for the period 01.11.2013 to 28.05.2017, which is the period the petitioner remained terminated from service by stating that the petitioner is a similarly situated with that of the petitioner of C.W.J.C. No. 20176 of 2019, namely Kamlesh Roy. The order dated 15.12.2020, issued by the District Education Officer, Vaishali granting the petitioner 50 % of the salary for the period he remained terminated from service by stating that the petitioner is similarly situated with that of the petitioner in C.W.J.C. No. 20176 of 2019, namely, Kamlesh Roy appears to be in consonance with the order of this Court dated 18.07.2019, passed in C.W.J.C. No. 21687 of 2018.



9. With regard to the petitioner's claim for full salary for the period mentioned above, by drawing a parity with the order dated 10.02.2018 passed by the District Education Officer, Vaishali in the case of Ramesh Kumar Suman may be examined.

10. Mr. Ramesh Kumar Suman, like the petitioner, was also terminated from the service as Assistant Teacher vide order dated 31.10.2013 passed by the respondent authorities on the ground that he also did not meet the required criterion/percentage of disability under the law. Mr. Ramesh Kumar Suman challenged his termination order dated 31.10.2013 before this Court by filing C.W.J.C. No. 1722 of 2014, which was disposed of vide order dated 01.12.2014, whereby the termination order of Mr. Ramesh Kumar Suman was quashed and he was directed to be restored back in service immediately.

11. On perusal of order dated 10.02.2018, passed by the District Education Officer, Vaishali whereby Mr. Ramesh Kumar Suman was restored in service, it appears that Mr. Ramesh Kumar Suman had preferred M.J.C. No. 2582 of 2016 in C.W.J.C. No. 1722 of 2014, wherein it appears to have been contended that though Mr. Ramesh Kumar Suman was reinstated in service, but payment with regard to entitlement has



not been made till date. In the light of the above contention made in M.J.C. No. 2582 of 2016, the said M.J.C. was disposed of by this Court vide order dated 22.11.2017, whereby the District Education Officer, Vaishali was directed to examine the matter and do the needful within three weeks from the date of production of a copy of the order.

12. In pursuance to the order passed in M.J.C. No. 2582 of 2016, order dated 10.02.2018, was passed by the District Education Officer, Vaishali granting Mr. Ramesh Kumar Suman full salary for the period he remained terminated from service.

13. It may be noted that unlike in C.W.J.C. No. 22958 of 2013 filed by the petitioner, neither in C.W.J.C. No. 1722 of 2014 nor in M.J.C. No. 2582 of 2016 filed by Mr. Ramesh Kumar Suman, any observation was made by this Court that the petitioner of C.W.J.C. No. 1722 of 2014 and M.J.C. No. 2582 of 2016, namely Mr. Ramesh Kumar Suman shall be entitled for salary for the period he has worked as Assistant Teacher, whereas in the order dated 04.07.2016, passed in C.W.J.C. No. 22958 of 2013 filed by the petitioner, there was a specific observation by the Court, while setting aside the termination order of the petitioner that the petitioner would be entitled for



salary for the period he has worked as Assistant Teacher. The petitioner, therefore, cannot be said to be similarly situated person as that of Mr. Ramesh Kumar Suman, who has been given full salary vide order dated 10.02.2018, issued by the District Education Officer, Vaishali for the period he remained terminated from service inasmuch as there was no observation in the writ petition as well as in the contempt petition filed by Mr. Ramesh Kumar Suman that he would be entitled for salary for the period he has worked as Assistant Teacher, whereas in the case of the writ petitioner, this Court had made specific observation in order dated 04.07.2016, passed in C.W.J.C. No. 22958 of 2013 that the petitioner would be entitled for the salary for the period he has worked as Assistant Teacher. In view of the categorical observation made by the Court in order dated 04.07.2016 in C.W.J.C. No. 22958 of 2013 that the petitioner would be entitled to a salary for the period he worked as Assistant Teacher, the petitioner would not be entitled to a salary for the period 01.11.2013 to 28.05.2017 for the reason that the petitioner did not work as Assistant Teacher in that period as the petitioner remained terminated from service during that period.

14. Accordingly, the petitioner would not be entitled to be treated at par with the petitioner of C.W.J.C. No. 1722 of



2014, namely, Ramesh Kumar Suman as the petitioner of the present case as well as Mr. Ramesh Kumar Suman, the petitioner of C.W.J.C. No. 1722 of 2014 are found to be not similarly situated person.

15. In view of the above, I find no merit in the claim of the petitioner made for grant of full salary for the period the petitioner remained terminated from service.

16. The writ petition stands dismissed.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.07.2025
Transmission Date	N/A

