

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16572 of 2014

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1. Rana Pratap Singh Son of Late Lal Bahadur Singh Resident of vill. - Koindi,
P.O. Badauna, P.S. Chainpur, District - Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Kaimur (Bhabhua)
4. The District Education officer, Kaimur (Bhabhua)
5. The District Programme Officer (Establishment), Kaimur (Bhabhua)
6. The Block Education Officer, Chainpur, Kaimur (Bhabhua)
7. The Headmaster, Upgraded Middle School, Koindi, Chainpur, District - Kaimur (Bhabhua)
8. The Member, District Teacher Employment Appellate Authority Kaimur (Bhabhua)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh

For the Respondent/s : Mr. GA4- ASHOK PRIYADARSHI

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-01-2015

Heard learned counsel for the parties.

The only reason for removal of the petitioner from the post of Block Teacher was that he has failed in the proficiency test twice over, a condition prescribed in 2009-2012 Rules. The removal of the petitioner was challenged before the tribunal and the tribunal has upheld the said decision of removal by virtue of Annexure-9, dated 08.07.2014.

The sole reason why the order of the tribunal is required to be interfered with is the order issued by the

Principal Secretary, Government of Bihar, Patna, dated 15.09.2014, annexed as Annexure-11 to the supplementary affidavit, filed on behalf of the petitioner. From reading of Annexure-11, it is evident that as a matter of policy, the said provision of removal of teachers for failing the proficiency test twice over has been put in abeyance till a new decision is taken. Many a teachers, therefore, have continued on the post, despite failing twice over and there is no reason why this petitioner cannot get advantage of the said notification, contained in Annexure-11, till a final decision is taken by the State in this regard.

Writ application is allowed. The impugned annexure, contained in Annexure-9, is hereby quashed. Petitioner will be restored back to the post, he was holding.

(Ajay Kumar Tripathi, J.)

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