

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20983 of 2013

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1. Jairani Kumari Daughter Of Sri Surendra Prasad Resident Of Village - Bakaur, Police Station - Islampur, District - Nalanda
 2. Dharambir Pandit Son Of Sri Ram Naresh Pandit Resident Of Village - Dabaibigha, Police Station - Ben, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Director, Secondary Education, Govt. Of Bihar, Patna
4. The District Magistrate, Nalanda
5. The District Education Officer, Nalanda
6. The District Program Officer, (Establishment), Nalanda
7. The Block Education Officer, Block - Ben, District - Nalanda
8. The Panchayat Secretary, Gram Panchayat Eksara, Block - Ben, District - Nalanda
9. The Mukhiya, Gram Panchayat Eksara, Block - Ben, District - Nalanda
10. The Headmaster, Primary School, Babhaniwayan, Block - Ben, District - Nalanda
11. The Headmaster, Primary School, Koshnara, Block - Ben, District - Nalanda

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 21409 of 2013

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1. Satyendra Kumar Son Of Kameshwar Ravidas Resident Of Village - Narayanpur, Police Station - Tharthari, District - Nalanda
2. Bindu Kumar Son Of Late Bhattu Mahto Resident Of Village - Dharhara, Police Station - Nalanda, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
2. The Director, Primary Education, Govt. Of Bihar, Patna
3. The District Education Officer, Nalanda
4. The Block Education Extension Officer, Block - Ben, District - Nalanda
5. The Panchayat Secretary, Gram Panchayat Raj, Eksara, Block - Ben, District - Nalanda
6. The Mukhiya, Gram Panchayat Raj, Eksara, Block - Ben, District - Nalanda
7. The Headmaster, Primary School, Kanku Bigha, Block - Ben, District - Nalanda
8. The Headmaster, Primary School Bhabhinia, Block - Ben, District - Nalanda
9. The District Teachers Engagement Appellate Authority, Nalanda

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 19631 of 2013

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Pankaj Kumar Pandey, son of Sri Birendra Pandey, Resident of village + PO
Barew, P.S. Akbarpur, District Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Education Officer, Nalanda
4. The District Programme Officer, Nalanda
5. The Block Education Extension Officer, Ben, Nalanda
6. The Panchayat Sachiv, Gram Panchayat Raj, Eksara, Ben, Nalanda
7. The Headmaster, Primary School, Enayatpur, Ben, Nalanda

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 13810 of 2014

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1. Neelam Kumari D/o Shri Rameshwar Prasad, resident of village- Bishunpur, P.O.- Anath, P.S.+District- Nalanda
2. Anita Bharti S/o Shri Muneshwar Prasad Ram, resident of village- Gadai Chak, P.O.+ P.S.- Parwalpur, District- Nalanda
3. Mamta Kumari D/o Shri Ram Pravesh Thakur, resident of village + P.O.- Bhuai, P.S.- Silao, District- Nalanda
4. Neelam Kumari D/o Shri Ram Pravesh Thakur, resident of village- Bidhipur, P.O.- Karaula, P.S.- Bakhtiyarpur, District- Nalanda
5. Ram Narayan Prasad, son of Shri Ganauri Prasad, resident of village- Khedubigha, P.O.- Anath, District- Nalanda
6. Ramji Kumari Singh, son of Shri Ravindra Prasad Singh, resident of village- Bhagwanbigha, P.O.- Eksara, P.S.+District- Nalanda
7. Harendra Kumar Sharma son Of Baliram Sharma, resident of village + P.O.- Nirpur, P.S.+ District- Nalanda
8. Dhanjit Kumar Son of Nandlal Ravidas, resident of village+P.O.- Eksara, P.S.+District- Nalanda
9. Saroj Kumari D/O Lalbabu Chaudhary, resident of village- Bhutnath Road, P.O.- Housing Colony, Patna, P.S.- Agam Kuan, District- Patna
10. Kumari Anchal Bharti, D/o Shri Chandramani Sharma, resident of village+P.O.- Eksara, P.S.+District- Nalanda
11. Nusrat Saba, D/o Md. Mustafa, resident of village- Banwalia, P.O.- Biharsharif, P.S.- Bihar Thana, District- Nalanda
12. Pandey Rishiraj, son of Shri Janardan Kumar, resident of village + P.O.- Baikathpur, P.S.- Khusrupur, District- Patna

.... Petitioner/s

Versus

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

2. The Director, Primary Education, Government of Bihar, Patna
3. The Regional Deputy Director of Education, Patna Commissioner, Patna Division, Patna
4. The District Education Officer, Nalanda at Biharsharif
5. The District Programme Officer (Establishment), Nalanda at Biharsharif
6. The Block Education Officer, Ben, Nalanda at Biharsharif
7. The Mukhiya of Gram Panchayat Raj- Eksara, Block- Ben, District- Nalanda
8. The Secretary of the Gram Panchayat Raj- Eksara, Block- Ben, District- Nalanda

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6966 of 2014

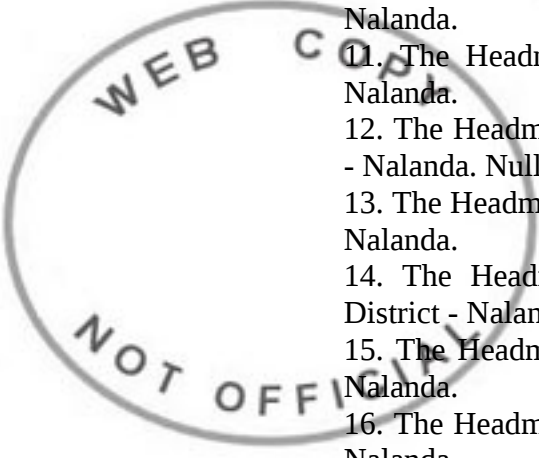
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1. Sunita Kumari Daughter Of Satendra Kumar Resident Of Village - Babhanbiwayan, Police Station - Ben, District - Nalanda.
2. Mirdula Sinha Daughter Of Chandeshwar Prasad Resident Of Village - Mohammadpur, Police Station - Chandi, District - Nalanda.
3. Umesh Kumar Son Of Ram Chandra Prasad Resident Of Village - Neruth, Police Station - Sare, District - Nalanda.
4. Shailendra Kumar Son Of Nawal Kishore Resident Of Village - Bhatu Bigha, Police Station - Ben, District - Nalanda.
5. Binayak Kumar Sudhakar Son Of Srikrishna Prasad Resident Of Village - Babhaniwayan, Police Station - Ben, District - Nalanda.
6. Kaushal Kumar Son Of Suresh Ram Resident Of Village - Bhatu Bigha, Police Station - Ben, District - Nalanda.
7. Rina Kumari Daughter Of Shivnandan Prasad Resident Of Village - Kutulupur, Police Station - Ben, District - Nalanda.
8. Rinku Kumari Daughter Of Koleshwar Prasad Resident Of Village - Yarpur, Police Station - Hilsa, District - Nalanda.
9. Pramod Kumar Son Of Suresh Paswan Resident Of Village - Birbal Bigha, Police Station - Ben, District - Nalanda.
10. Subida Kumari Daughter Of Kameshwar Ravidas Resident Of Village - Narayanpur, Police Station - Hilsa, District - Nalanda.
11. Pramila Kumari Daughter Of Rameshwar Mahto Resident Of Village - Lachhu Bigha, Police Station - Chandi, District - Nalanda.
12. Renu Kumari Daughter Of Harendra Kumar Resident Of Village - Lachhu Bigha, Police Station - Nagarnausa, District - Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Government Of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna.
3. The Director, Secondary Education, Government Of Bihar, Patna
4. The Director, Primary Education, Government Of Bihar, Patna
5. The District Superintendent Of Education, Nalanda.
6. The District Education Officer, Nalanda.
7. The Block Education Officer, Ben, Nalanda.
8. The Panchayat Secretary, Gram Panchayat Raj Eksara, Police Station - Ben, District - Nalanda.

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9. The Headmaster, Primary School, Kanaku Bigha, Police Station - Ben, District - Nalanda.
 10. The Headmaster, Middle School , Saidpur, Police Station - Ben, District - Nalanda.
 11. The Headmaster, Primary School, Marsua, Police Station - Ben, District - Nalanda.
 12. The Headmaster, Primary School, Babbiniwayan, Police Station - Ben, District - Nalanda. Null Null
 13. The Headmaster, Primary School, Salemu Bigha, Police Station - Ben, District - Nalanda.
 14. The Headmaster, Primary School, Paduman Bigha, Police Station - Ben, District - Nalanda.
 15. The Headmaster, Primary School, Sidi Bigha, Police Station - Ben, District - Nalanda.
 16. The Headmaster, Primary School, Bhatu Bigha, Police Station - Ben, District - Nalanda.
 17. The Headmaster, Primary School, Koshnara, Police Station - Ben, District - Nalanda.
 18. The Headmaster, Primary School, Enayatpur, Police Station - Ben, District - Nalanda.
 19. The Headmaster, Primary School, Bhagwan Bigha, Police Station - Ben, District - Nalanda.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 21699 of 2014

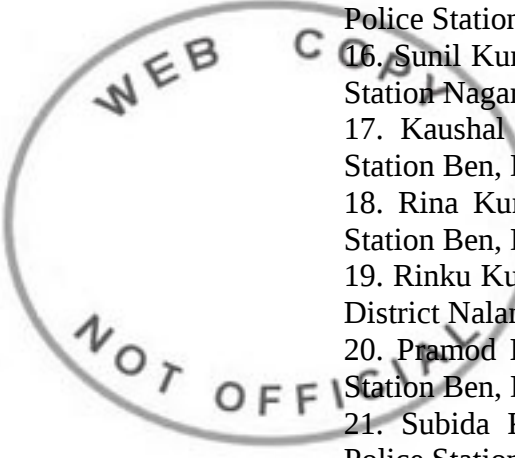
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1. Siya Sharan Sharma S/o Late Chamari Sharma Resident of Village Eksara, P.S. Ben, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govrnment of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Nalanda.
4. The District Education Officer, Nalanda.
5. The Sub Divisional Officer, Rajgir, District Nalanda.
6. The Member, District Teacher Employment Appellate Tribunal, Nalanda.
7. The Block Development Officer, Ben Block District Nalanda.
8. The Block Education Officer, Ben Block, District Nalanda.
9. The Mukhiya Gram Panchayat Raj Eksara, Block Ben, P.S. Ben, District Nalanda.
10. The Panchayat Secretary, Gram Panchayat Raj Eksara, Block Ben, District Nalanda.
11. Sunita Kumari D/o Satendra Kumar Resident of Village Babbiniwayan, Police Station Ben, District Nalanda.
12. Mirdula Sinha D/o Chandeshwar Prasad Resident of Village Mohammadpur, Police Station Chandi, District Nalanda.
13. Umesh Kumar S/o Ram Chandra Prasad Resident of Village Neruth, Police Station Sare, District Nalanda.

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14. Shailendra Kumar S/o Nawal Kishore Resident of Village Bhatu Bigha, Police Station Ben, District Nalanda.
 15. Binayak Kumar S/o Srikrishna Prasad Resident of Village Babhaniwayan, Police Station Ben, District Nalanda.
 16. Sunil Kumar S/o Rameshwar Prasad Resident of Village Lachhu Bigha, Police Station Nagarnausa, District Nalanda.
 17. Kaushal Kumar S/o Suresh Ram Resident of Village Bhatu Bigha, Police Station Ben, District Nalanda.
 18. Rina Kumari D/o Shivrindan Prasad Resident of Village Kutulupur, Police Station Ben, District Nalanda.
 19. Rinku Kumari D/o Koleshwar Prasad Resident of Village Yarpur, Police Hilsa, District Nalanda.
 20. Pramod Kumar S/o Suresh Paswan Resident of Village Birbal Bigha, Police Station Ben, District Nalanda.
 21. Subida Kumari D/o Kameshwar Ravidas Resident of Village Narayanpur, Police Station Hilsa, District Nalanda.
 22. Seema Kumari D/o Jitendra Kumar Vaishya Resident of Village Ajanaura, Police Station Noorsarai, District Nalanda.
 23. Pramila Kumari D/o Rameshwar Mahto Resident of Village Lachhu Bigha, P.S. Nagarnausa, District Nalanda.
 24. Renu Kumari W/o Harendra Kumar Resident of Village Lachhu Bigha, P.S. Nagarnausa, District Nalanda.
 25. Ravi Shankar S/o Rajendra Ravidas Resident of Village Harischandrapur, P.S. Hanaut, District Nalanda.
 26. Subhadra Kumari D/o Ramratan Prasad Resident of Village Sumka, P.S. Dhardhari, District Nalanda.
 27. Bhushan Pandit S/o Naresh Pandit Resident of Village Dabaibigha, P.S. Ben, District Nalanda.
 28. Pankaj Kumar S/o Ramdeo Prasad Resident of Village Katlupur, P.S. Ben, District Nalanda.
 29. Ajit Kumar Verma S/o Dinesh Prasad Resident of Village Katlupur, P.S. Ben, District Nalanda.
 30. Pankaj Kumar Panday S/o Birendra Pandey Resident of Village Bareb, P.S. Akbarpur, District Nawada.

.... Respondent/s

Appearance :

(In CWJC No. 20983 of 2013)

For the Petitioner/s : Mr. Ranjan Kumar Singh

For the Respondent/s : Mr. Manoj Kr. Ambastha, GP 14

(In CWJC No. 21409 of 2013)

For the Petitioner/s : Mr. Rajesh Kumar

For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG 15

(In CWJC No. 19631 of 2013)

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Respondent/s : Mr

(In CWJC No. 13810 of 2014)

For the Petitioner/s : Mr Yugal Kishore, Sr. Advocate

Mr. Amrit Abhijat

For the Respondent/s : Mr. SC21 Kumar Manish

(In CWJC No. 6966 of 2014)

For the Petitioner/s : Mr. Ranjan Kumar Singh
For the Respondent/s : Mr. GP4- Uma Shankar
(In CWJC No. 21699 of 2014)
For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. SC30- Avinash Kumar
Mr Ranjan Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 11-09-2015

The senior counsel representing Vigilance has appeared in Court on a request of the Court taking into consideration the exercise done by the Vigilance Department in terms of the order and direction dated 8.1.2015 passed in the batch of writ applications. What was apprehended and perceived by this Court during hearing of this batch of writ applications, which led to issuance of the direction for a preliminary enquiry by the Vigilance Department of Government of Bihar, is turning out to be true since a report of the Vigilance dated 30.3.2015 has been tendered in a sealed cover, which was opened.

The Court, therefore, comes to a considered opinion that in view of the materials and evidence which has emerged in the preliminary enquiry, there cannot be any direction for payment of salary to any of the persons against whom evidence has emerged in the manner in which such selection has been carried out and the system manipulated in their favour.

A reading of the report also certifies that there is element



of criminality writ large in the manner in which such selection has been made and people accommodated even records have been forged and created. The Court, therefore, directs the DG, Vigilance, Government of Bihar that he will take the issue to its logical end. He shall move ahead beyond the preliminary enquiry report submitted before this Court, complete the formality of the investigation, if any left and file cases against the accused persons so that they can be called to answer their culpability with regard to appointment on a public post.

The matter should be expedited for yet another reason that such illegally selected and appointed persons are not required to continue as well as be permitted to assert their right for payment of salary or any emoluments since such selection and appointment seems to be based on fraud and deceit etc. etc.

In view of the order passed above, there cannot be any occasion to give any direction for payment of salary to any of these persons at this juncture and stage. The occasion may arise only if no charge-sheet is filed against any of the petitioners, who may have joined the cause together in different writ applications.

The Court grants them leave to approach the High Court again provided their name do not figure in the list of accused persons against whom the law will be set in motion in relation to these

appointments.

Yet another writ application, which is CWJC No.21699 of 2014, was for a direction to remove the illegally appointed teachers as well as for a direction to hold vigilance enquiry looking at the large scale illegalities, which was alleged in the writ application, by the committee.

Looking at the nature of the order passed above, the petitioner, Siya Sharan Sharma, to some extent, succeeds. No separate order is required to be passed because what has been directed takes care of the relief which he was looking for.

Before parting, learned senior counsel representing some of the petitioners submits that recently a Division Bench of this Court in a PIL which raised the issue of large scale illegal appointments made on the various posts of teachers running into thousands ordered vigilance enquiry. The Division Bench gave opportunity to such appointees to opt out of the system voluntarily and earn reprieve from prosecution.

A similar kind of prayer has been made even before this Court that such persons, who may feel the heat, may be permitted to opt out even now.

If an offer is made by such appointees, let them do so before an appropriate authority and bring evidence before the IO,

which may be considered favourably.

All these writ applications stand disposed of.

A copy of the order will be handed over to Mr Rama Kant Sharma, Sr. Advocate representing the Vigilance for communication to the DG, Vigilance for follow up action within a time frame.

The report tendered by the Vigilance is resealed and placed on record and shall remain as part of record.

(Ajay Kumar Tripathi, J)

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