**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.17365 of 2014**

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Arun Paswan S/o Boma Ram Resident of Village-Gora Belwa, P.O.-Parsha Kothi, P.S.-Shanichari, District-West Champaran. .... .... Petitioner

Versus

1. The State of Bihar through Principal Secretary Bihar, Patna.
2. Secretary Human Resources Development Department, Bihar, Patna.
3. District Education Officer, West Champaran.
4. District Pragramme Officer, West Chamaparan.
5. Block Education Officer, Yogaptti, West Champaran.
6. Nababharat Shiksh Parishad, Orissa, through its Director, Arun Purna Bhawan, Pani Tanki Road, Shaktinagar, Rourkela, Orissa.
7. Director Nababharat Shiksh Parishad, Plot No.-247, Arun Purna Bhawan, Pani Tanki Road, Shaktinagar, Rourkela, Orissa, Pin-769014
8. Mr. K.K. Jha Centre Superintendent, M.D.D.M. College Dubarbana, Bairagani, Sitamarhi, District-Sitamarhi, Bihar. .... .... Respondents

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**Appearance :**
For the Petitioner/s : Mr. Mritunjay Prasad Singh
For the Respondent/s : Mr. Anil Kumar

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**

ORAL JUDGMENT
**Date: 08-02-2016**

Heard learned counsel for the petitioner and the respondents.

2. The petitioner was appointed as an Assistant Teacher in the light of order passed in M.J.C. No. 297 of 2007 on the recommendation of Staff Selection Commission.

3. The petitioner is aggrieved by Memo No. 3904, dated 19.11.2013 by which his appointment as an Assistant Teacher of State Upgraded Middle School, Basopatti has been terminated. The service of the petitioner has been terminated on the ground that the Basic Teachers Education Programme (BTC) certificate issued by Nababharat Shiksha Parishad, Orissa is not a recognized institution

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either under NCTE or by the State Government. The certificate is of the year 2005.

4. This Court finds that there is no material on record to establish that the institution was recognized by State of Bihar or NCTE. Furthermore, the petitioner was appointed in the light of the order of the Hon'ble Apex Court in view of the recommendations of the Staff Selection Commission, wherein his name figured at serial no. 4058, amongst 34540 assistant teachers. The impugned order cancelling the appointment, as such, would not be sustainable and is accordingly set aside.

5. The authorities, namely, the Staff Selection Commission or the Education Department, Government of Bihar should have been awake to all these aspects prior to making recommendation to the Hon'ble Apex Court, which approved such appointments. It is too late for the respondents to interfere with the appointment on any ground in view of order of Hon'ble Apex Court, the details of which has been discussed in order dated 14.01.2016, passed in C.W.J.C. No. 6753 of 2013.

6. The writ application is allowed with liberty to the respondents to take any other action permissible under the law.

**(Samarendra Pratap Singh, J.)**

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