

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1627 of 2011

- =====
1. Nira Kumari D/O Umesh Mandal R/O Village-Mulkiya, P.O-Dibra Bazar P.S-Barhara Kothi, Dist-Purnea.
 2. Manisha Kumari D/O Sri Ashok Kumar Singh, R/O Village-Bhatotar Chakil, P.O+P.S-Barhara Kothi Dist-Purnea.
 3. Ajay Kumar S/O Ambika Prasad, R/O Village Kamalpur P.S+Block-Barhara Kothi, Dist-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principle Secretary Human Resources Development, Department, Bihar, Patna.
2. The District Superintendent of Education, Purnea
3. The Block Development Officer, Barhara Kothim Purnea.
4. The Block Education Extension Officer, Barhara Kothi Dist-Purnea.
5. The Mukhiya, Mulkiya Panchayat, Mulkiya, Purnea.
6. The Mukhiya, Bhatotar Chakla Panchayat, Dist-Purnea.
7. The Mukhiyam Kamalpur Panchayat, Block -Barhara Kothi Purnea.
8. The Panchayat Secretary, Mulkiya Panchayat Mulkiya,Purnea.
9. The Panchayat Secretary, Bhatotar Bhakla Panchayat, Distt-Purnea.
10. The Panchayat Secretary, Kamalpur Panchayat, Block Barhars Kothi, Distt-Purnea.
11. The Head Master Middle School, Mahil Asthan PS Block Barhara Kothi,Purnea.
12. The Head Master Middle School Kamalpur Harijan, P.S. Block-Barhara Kothi, Purnea.
13. The Head Master Middle School Baghwa P.S. Block Barhara Kothi -Purnea.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Respondent/s : Mr. Gautam Bose, AAG8

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-11-2016

Heard Mr. Shekhar Kumar Singh, learned counsel for the petitioners and Mr. Dinesh Maharaj, learned A.C. to AAG 11 for the State.

The petitioners feeling aggrieved by the order bearing Memo No. 42 dated 4.12.2011 of the Block Development Officer, Barhara

Kothi in the district of Purnea whereby the service of these petitioners along with one Rubi Kumari, was terminated, is before this Court. A copy of the order is impugned at Annexure-1.

Mr. Shekhar Kumar Singh learned counsel for the petitioners has placed reliance upon the judgment and order of this Court arising from C.W.J.C.No.3907 of 2011 preferred by the said Kumari Ruby whose name appears at Serial No.1 of the impugned order, to submit that the order dated 4.1.2011 passed by the Block Development Officer, Bahara Kothi, Purnea whereby the services of the four teachers was terminated, was the subject matter of the said writ petition and a bench of this Court in consideration of the matter in contest and in reference to a judgment reported in **2009(2)PLJR 867 (Ribha Rani Vs. State of Bihar)** was pleased to quash the order impugned herein to the extent it related to the petitioner Kumari Ruby.

Learned counsel for the parties are in agreement that the judgment and order passed by the Bench rendered in the case of **Kumari Ruby** (supra) whose name appears at Serial No. 1 of the order impugned at Annexure-1 would squarely apply to the case at hand.

In the circumstances and for the reasons so assigned by the Bench in the judgment rendered in the case of Kumari Ruby (supra),

the order impugned at Annexure 1 bearing Memo No. 42 dated 4.1.2011 passed by the Block Development Officer, Barhara Kothi, Purnea cannot be upheld and is accordingly quashed and set aside. The petitioners stand restored to their respective post.

The writ petition is allowed.

(Jyoti Saran, J)

Bibhash/-

NAFR	
CAV DATE	
Uploading Date	18.11.16
Transmission Date	