

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7504 of 2013

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Ram Babu Singh S/O Sri Ram Milan Singh Resident Of Village - Bhatauli
Bhagwan, P.O. + P.S. - Kartahan, District - Vaishali At Hajipur
..... Petitioner

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, Vaishali At Hajipur
4. The District Programme Officer (Establishment), Vaishali At Hajipur
5. The Block Education Officer , Block - Deshri, Distt - Vaishali At Hajipur

..... Respondent/s

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with

Civil Writ Jurisdiction Case No.7045 of 2013

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Nand Kishor Singh S/O Ram Sarekh Singh R/O Village- Uchidih, P.O.-
Bidupur, P.S.- Bidupur, District- Vaishali Petitioner

Versus

1. The State Of Bihar Through The Commissioner Cum Secretary
Department Of Education, Government Of Bihar, New Secretariat,
Bihar, Patna
2. The Director Department Of Primary Education, Government Of
Bihar, New Secretariat, Bihar, Patna
3. The District Magistrate, Vaishali
4. The District Education Officer, Vaishali
5. The District Programme Officer (Establishment), Vaishali
6. The Block Education Officer Sahdae Buzurg, Block District- Vaishali
7. The Secretary, Basic Education Council, Uttar Pradesh, Allahabad

..... Respondents

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with

Civil Writ Jurisdiction Case No.6778 of 2013

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Om Prakash Pankaj Son Of Dyali Paswan Resident Of Village - Rushulpur
Turki, P.O. - Ashoi, P.S. - Bhagwanpur, District - Vaishali

..... Petitioner

Versus

1. The State Of Bihar Through The Commissioner Cum Secretary,
Department Of Education, Government Of Bihar, New Secretariat,
Bihar, Patna
2. The Director, Department Of Primary Education Government Of Bihar,
New Secretariat, Bihar, Patna
3. The District Magistrate, Vaishali
4. The District Education Officer, Vaishali
5. The District Programme Officer (Establishment) Vaishali
6. The Block Education Officer, Raghopur Block District Vaishali

..... Respondents

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with
Civil Writ Jurisdiction Case No.7042 of 2013

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1. Satendra Kumar S/O Sri Pashupati Prasad R/O Village- Pakaridih, P.O.- Pairga, P.S.- Amnaur, District- Saran
 2. Ram Sobhit Sah S/O Sri Akalu Sah R/O Village- Saifpur, P.O.- Jadhua, P.S.- Gangabridge Hajipur, District- Vaishali
 3. Rajendra Kamat S/O Mahesh Kamat R/O Village- Barail, P.O.- Teghra, P.S.- Babubarhi, District- Madhubani Petitioners

Versus

1. The State Of Bihar Through The Commissioner Cum Secretary Department Of Education, Government Of Bihar, New Secretariat, Bihar, Patna
 2. The Director Null Department Of Primary Education, Government Of Bihar, New Secretariat, Bihar, Patna
 3. The District Magistrate, East Champaran, Motihari
 4. The District Education Officer East Champaran, Motihari
 5. The District Programme Officer (Establishment) East Champaran, Motihari
 6. The Block Education Officer Chakiya Block, District- East Champaran
 7. The Block Education Officer Rakshaul Block, District- East Champaran
 8. The Block Education Officer Kalyanpur Block, District- East Champaran
 9. The Secretary, Basic Education Council, Uttar Pradesh, Allahabad
.... Respondents
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Appearance :

(In CWJC No.7504 of 2013)

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Advocate and
Mr. Mukesh Kr.Singh, Advocate

For the Respondent/s : Geeta Kumari, GP 8 and Rajesh Kumar and
Mr. Sunil Kumar, Advocate

(In CWJC No.7045 of 2013)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

(In CWJC No.6778 of 2013)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

(In CWJC No.7042 of 2013)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

8 29-02-2016

All the writ petitions are taken up together as the
issues involved are common in each of the cases.



The moot question is whether the appointment of the petitioners can be interfered with by the Appointing authority once their appointments have been approved by the Hon'ble Apex court pursuant to the recommendation of the Staff Selection Commission (herein after referred to as 'the Commission'). In short, all the petitioners were appointed as assistant teachers. Their appointments were initially terminated on the ground that their selection was made in violation of the established norms and rules.

The matter travelled up to the Hon'ble Apex court. The Commission was directed to scrutinize the individual cases of the petitioners whether they were appointed in accordance with law or not. The Commission recommended names of over 34 thousand teachers. The list was approved by the Hon'ble Apex Court. The petitioners are aggrieved by different orders passed by the DEO, Vaishali terminating their service on the ground that they had obtained training certificate from institute who have no recommendation by the State of Bihar. Similar matters had went up for consideration before this Court in C.W.J.C.No. 6753 of 2013 which was allowed vide order dated 14.1.2016. While allowing the writ petition, this Court noticed order of the Hon'ble Apex Court, passed in SLP (Civil) No.

26824 of 2012, particularly paragraph 9 which is again being reproduced herein below for easy reference:-



“9. Be that as it may, in the event, some discrepancies had crept in the final select list, the individual grievances contained various anomalies, which it is difficult for us to unravel. Accordingly, we modify our order dated 13th October, 2011, and allow the applicants to approach the High Court for redressal of their grievances. We also direct that the applications, special leave petitions and writ petitions filed before us be treated as withdrawn, with liberty to the parties to approach the High Court individually or otherwise, for relief, if any, but without, in any way, affecting the appointments of those teachers who have already been appointed against the vacant 34,540 posts and are working. We have been informed during the hearing that about 2413 posts out of the 34,540 posts were still left to be filled up. All the applications, Special Leave Petitions and Writ Petitions are, therefore, disposed of in the light of the aforesaid observations. We make it clear that none of the persons appointed out of the 34,540 vacancies should be disturbed in any way, but the question of filling up the balance vacancies may be taken into consideration, while disposing of the applications in question.”

It is further noticed that subsequently a learned Single judge as well as a Division bench in L.P.A. No. 149 of 2014 arising out of C.W.J.C. No.1491 of 2014 took the same stand, following the observations of the Hon"ble Apex Court.

The issue involved stands on similar footing, as such, the impugned orders passed by the DEO, Vaishali terminating services of the petitioners, are not sustainable in law in view of directions of the Hon'ble Apex Court and are accordingly set

aside.

Writ petitions are thus allowed.

Shashi.

(Samarendra Pratap Singh, J)

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