

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16580 of 2014

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1. Sanjay Kumar Choudhary, S/o Lakhan Choudhary, resident of Village - Chakrasalpur, P.O. Rana Bigha, P.S. Deepnagar, District - Nalanda
 2. Dharmendra Kumar, S/o Sri Ram Bilash Paswan, resident of village - Gongripur, P.O. Hargawan, P.S. Manpur, Distt. - Nalanda
 3. Mukund Murari, S/o Sri Mahendra Paswan, resident of Village + P.O. Dafarpur, P.S. Navkothi, District - Begusarai
 4. Rekha Kumari, D/o Shiwan Ram, resident of Village - Ram Sir, P.O. Singhchak, P.S. Chanan, District - Lakhisarai
 5. Sawan Kumar, S/o Sri Sahdeo Paswan, resident of Village + P.O. Dafarpur, P.S. Navkothi, District - Begusarai
 6. Ajay Kumar Mahto, S/o Ram Chandra Mahto, resident of Village - Chak Rasalpur, P.O. Tajpur, P.S. N.H. Bangra, District - Samastipur
 7. Arun Kumar Das, S/o Ram Briksh Das, resident of Village - Kutubpur Khalsa, P.O. Saidpur Kutubpur, P.S. Bidupur, District - Vaishali Petitioners
- Versus

1. The State of Bihar
 2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
 3. The Director, Primary Education, Government of Bihar, Patna
 4. The District Education officer, Jamui
 5. The District Programme Officer (Establishment), Jamui Respondents
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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. Subodh Kumar, AC to GP.-14

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 12-04-2016

Heard learned counsel for the petitioners and the State.

2. The petitioners seek quashing of the order as contained in Memo No. 915, dated 30.06.2014 by which the District Education Officer, Jamui has removed them from the post of Assistant Teachers.

3. The petitioners submit that they were among the list of 34540 recommended teachers candidates, which was approved



by the Hon'ble Apex Court and as such any interference to the same was impermissible. It is the further case of the petitioners that on the recommendation of Hon'ble Justice S.K. Chattopadhyay Committee and Bihar Staff Selection Commission, their appointments were approved by the Hon'ble Supreme Court. The petitioners have also drawn my attention to the order of the Hon'ble Apex Court passed in S.L.P. (Civil) No. 26824 of 2012. Furthermore, the Hon'ble Apex Court in para.9 of its judgment observed that none of the persons appointed out of 34,540 should be disturbed in any manner. Paragraph 9 of the judgment is quoted 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.”

4. A learned Single Judge of this Court in case of Kanti Kumari Vs. The State of Bihar & Ors, disposed of on 15.01.2014 vide C.W.J.C. No. 17899 of 2012 and a Division Bench in L.P.A. No. 149 of 2014 arising out of C.W.J.C. No.1491 of 2014 have reiterated the aforesaid view of the Hon"ble Apex Court. They further submit that a similar matter also came for consideration before this Court in C.W.J.C. No. 6753 of 2013 (Shanti Kumar & Ors Vs. the State of Bihar & Ors.) disposed of on 14.01.2016.

5. Counsel for the State submits that the petitioners have done their training between from an institute, which is not recognized by the NCTE.

6. In the facts and circumstances of the case, the matter is remitted to Director, Secondary Education, Government of Bihar, Patna and if the Director, Secondary Education, Government

finds that the case of the petitioners is similar to that of petitioners of C.W.J.C. No. 6753 of 2013, he would annul the order passed by the District Education Officer, Jamui terminating their services and would forthwith reinstate the petitioners in service within three months from the date of receipt of a copy of this order.

7. The impugned order would be subject to fresh adjudication by the Director, Secondary Education.

8. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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