

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15567 of 2015

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1. Amrendra Kumar Ram Son of Late Ram Nath Ram, resident of village- Gamhariya, P.S.- Isuapur, District- Saran.
 2. Brajeshwar Kumar son of Sri Gendo Prajapati, resident of village- Dihuri, P.S.- Fatehpur, District- Gaya.

.... Petitioners.

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna
2. The Director (Secondary Education), Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna
3. The Regional Dy. Director of Education, Saran Division, Chapra
4. The District Education Officer, Chapra
5. The District Education Officer, Siwan
6. The Three Secretaries Committee through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna

.... Respondents.

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Appearance :

For the Petitioners : Mr. Jai Kishor Poddar

For the Respondents : Mr. Nasim Yahya, GP-13

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 19-01-2016

Heard learned counsel for the petitioners as well as learned counsel appearing for the State.

The petitioners seek quashing of the order of the 3 Secretaries' Committee dated 17.03.2015 issued under the signature of the Director (S.E.) contained in memo no. 144 dated 29.04.2015 communicated to the petitioners by the RDDE, Saran Division, Chapra vide memo no. 464 dated 17.06.2015.

The Divisional Establishment Committee headed by



RDDE, Chapra recommended appointment of two petitioners and five others on the post of clerk in the different offices of the Education Department. Consequent to the recommendation of the Divisional Establishment Committee, the petitioners were issued appointment letters on 27.06.1994 under the signature of RDDE, Saran Division, Chapra contained in Annexure-8. However, the services of the petitioners and others were terminated in the light of the letter dated 30.11.1998 issued by the Director, Secondary Education addressed to the RDDE, Saran Division, Chapra, being on the ground that their appointments were made in violation of the government circular and without publishing any advertisement. The petitioners successfully challenged their termination in this Court in C.W.J.C. No. 2188 of 1999 and 2285 of 1999. The writ applications were allowed vide order dated 30.11.1998 and 30.01.1999. It is relevant to state that two other persons namely Satendra Narain Singh and Surendra Singh also challenged the order dated 30.11.1998 and 30.01.1999 by which their services were terminated, in C.W.J.C. No. 403 of 1999 and C.W.J.C. No. 338 of 1999. The impugned orders terminating their services were set aside.

The State being aggrieved preferred LPA. The first LPA being LPA No. 758/2002 which was heard analogous with LPA



No. 786/2002 and LPA No. 242/2007. The Division Bench while setting aside the order of the Single Judge referred the matter to Three Men Committee, in the light of order of Division Bench in Case of Ashutosh Kumar reported in 2007(2), PLJR 509. The petitioners preferred SLP being SLP (Civil) No. 8930/09, in which order of *status quo* was passed on 30.11.2009. In the light of the order of *status quo* passed by the Hon'ble Apex Court, the respondents reinstated both the petitioners in service. As the petitioners were reinstated in the service, they file I.A. No. 2 of 2013 for withdrawing the case which was allowed on 23.04.2013. However, soon after withdrawal of SLP, petitioners' case too was referred to Three Men Committee. The petitioners are aggrieved by the report of Three Men Committee holding their appointments to be illegal. The report of the Three Men Committee was endorsed by the Director Secondary Education and the RDDE, Saran Division, Chappra vide memo no. 144 dated 29.04.2015 and memo no. 464 dated 17.06.2015, which are in challenge before this court.

The petitioners submits that the services of many employees who were appointed in similar manner and whose services were terminated, have been reinstated pursuant to different orders passed by this Court which is detailed in case of

Sandhya Kumari Vs. State of Bihar in C.W.J.C. No. 14742 of 2015. He further submits that one Sandhya Kumari, who was appointed in similar manner by the Divisional Establishment Committee and whose appointment was to held to be illegal by the Three Men Committee, moved this Court in C.W.J.C No. 1472 of 2015, was allowed on 01.12.2015 and the matter was remanded to the Director Secondary Education for reconsideration in the light of orders passed in case of Anil Kumar, Satendra Narain Singh and Sham Shad Ali Shah.

In view of foregoing discussions, the petitioners' case too is remitted to the Director Secondary Education for fresh consideration preferably within a period of three months from the date of receipt of the copy of the order. The impugned order passed by the Three Men Committee would remain in abeyance.

The writ application is disposed of accordingly.

(Samarendra Pratap Singh, J)

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