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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10844 of 2013

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1. Ranjana Sharma, wife of Sri Animesh Kumar Sharma, R.S. Public School Gandhi Ashram Raod, Hajipur, Vaishali, C/O- Sri B.N. Sharma, Advocate Vaishali.
2. Vibha Rani, wife of Sri Rakesh Kumar, resident of Mohalla-Professor Colony, Akhoriya Bazar, Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar.
2. Director, Secondary Education, New Sachivalya, Patna
3. Director, Primary Education, New Sachiwalaya, Bailey Road, Patna
4. The Principal, Women's Primary Teacher Education College, Chandwara, Muzaffarpur, Near Banaras Bank Chowk, P.S.- Town Thana, Muzaffarpur.
5. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
6. The Chief Secretary of Education Department, New Secretariat, Patna
7. District Magistrate, Muzaffarpur

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Binoy Kumar Sinha No.1, Adv.
For the Respondent/s : Mr. Niraj Kumar, A.C. to G.A.10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 27-09-2016

Heard learned counsel for the petitioners and learned counsel for the State.

2. In the present case, the petitioners are claiming that they have wrongly been deprived for being promoted from Lower Subordinate Education Service to Subordinate Education Service as

juniors to them have already been given the aforesaid benefit.

3. The State has filed counter affidavit, where details of facts have been mentioned that this Court vide order dated 18.12.1998 passed in C.W.J.C. No.9847 of 1998 (Brajesh Kumar Singh vs. The State of Bihar & Ors.) directed the C.B.I. to carry out investigation relating to the appointment and promotion of primary teachers and other teachers in the State from 1980 till 1998. The C.B.I. has done a detailed investigation and submitted its report on 30.11.2004 before the Chief Secretary of the State and recommendation was made for taking action against the illegal appointees and those officers who were involved in illegal appointment of the primary teachers. In the report of the C.B.I., the names of the present petitioners are standing to have been appointed illegally. In pursuance thereof, both the petitioners have already been terminated from the service.

4. In such view of the matter, the question of consideration for promotion does not arise at this juncture unless the order of termination is not set aside.

5. Learned counsel for the petitioners submits that he would challenge the order of termination in an appropriate

proceeding.

6. In such view of the matter, it will be futile to keep this matter pending for consideration of promotion of these petitioners. Accordingly, this writ application is dismissed with a liberty to these petitioners, if so advised, to take necessary legal action in accordance with law against their termination order.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
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