

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2266 of 2017

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1. Raju Baitha, Son of Sri Daroga Baitha, Resident of Village Basmanpur Agarwan, Post Palanwa, Police Station- Mofussil, Motihari, District- East Champaran.
 2. Mahesh Baitha, Son of Sri Bunda Baitha, Resident of Village Godhwa, Post Palanwa, Police Station- Mofussil Motihari, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Education Officer, Motihari, East Champaran.
5. The District Programme Officer (Training RMSA & Literacy), East Champaran.
6. The Regional Education Officer, Motihari Sadar Block, Motihari, East Champaran.
7. The Block Development Officer, Motihari Sadar Block, Motihari, East Champaran.
8. The Block Education Officer, Motihari Sadar Block, Motihari, East Champaran.
9. The Headmaster, Government Middle School Godhwa, Motihari, Sadar Block, Motihari, East Champaran.
10. The Headmaster, Government Upgraded Middle School, Godhwa (Kanya), Motihari Sadar Block, Motihari, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the State : Mr. Priyadarshi Mati Saran, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT



Date: 23-06-2017

Heard learned counsel for the petitioners and State.

2. The petitioners have moved the Court for the following reliefs:-

“(i) For issuance of appropriate writ/writs, order/orders or direction/directions in the nature of certiorari for quashing the order contained in memo no. 141 dated 22.04.2016 issued by District Education Officer, East Champaran whereby and whereunder the appointment of petitioners has been cancelled on non-est grounds in violation of principles of natural justice without giving any opportunity of hearing.

(ii) For further quashing of the consequential order contained in memo no. 02 and 24 both dated 20.05.2016 issued by the Headmaster and concerned tola sewak selection committee cancelling the appointment of petitioners without application of mind,

(iii) For any other order/orders which the petitioners may found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners, at the very outset, submitted that the common order of termination with regard to 113 persons including the petitioner was also the subject matter of C.W.J.C. No. 10534 of 2016 in which a co-ordinate Bench by order dated 17.05.2017 has directed the Principal Secretary, Education Department to consider the claim of the petitioners and issue appropriate direction to the authority concerned to take steps for



filling up the 49 admitted vacant posts in accordance with law bearing in mind the fact that these persons whose name finds mention at Annexure-1 have gained experience over the period and which may be a relevant factor in the matter of filling up of the post.

4. Learned counsel for the State does not dispute the fact that the present matter is similar.

5. In view thereof, the writ petition stands disposed off in terms of the order dated 17.05.2017 passed in C.W.J.C. No. 10534 of 2016. The authority concerned shall carry out a similar exercise with regard to the present petitioners also.

6. The petitioners shall be at liberty to demonstrate that their case for appointment is better compared to the other contenders on the basis of experience.

(Ahsanuddin Amanullah, J.)

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