

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17438 of 2016

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Sona Kumari Wife of Sri Kapildeo Prasad, resident of Village- Dighaut, P.S.-
Sikandra, District- Jamui.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Magistrate, Nawada.
5. The District Education Officer, Nawada.
6. The District Programme Officer (Secondary Education) Nawada.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 17547 of 2016

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Shamima Khatun @ Shamima Khatoon, wife of Md. Zahid Hussain, resident of
Village- Mirzapur Kothi, P.O.- Mirzapur, P.S.- Simraha, District- Araria.

.... Petitioner

Versus

1. The State of Bihar
2. The Human Resources Department, through the Principal Secretary, Human Resources Department, New Secretariat, Patna.
3. The Principal Secretary, Human Resources Department, New Secretariat, Patna.
4. The Regional Deputy Director Education, Purnea Division, Purnea.
5. The School Inspector cum Deputy Director Education, Bihar, Patna.
6. The Principal, District Education and Training Institution, Forbesganj.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 19550 of 2016

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Urmila Kumari, Wife of Srikant, Resident of Ashiana Nagar Phase-I, L.G. A/24,
Patna, P.S.- Rajeev Nagar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Regional Deputy Directorate Education, Patna, District- Patna.
5. The School Inspectors-cum-Deputy Director-cum-Deputy Director Education Bihar, Patna.
6. The District Magistrate, Patna.
7. The District Education Officer, Patna.
8. The District Programme Officer, Secondary Education, Patna.
9. The Head Mistress, Govt. Girls High School, Chiraiyatand, Patna.



.... Respondents

with

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Civil Writ Jurisdiction Case No. 20078 of 2016

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Ranjana Sharma Wife of Sri Animesh Kumar Sharma resident of Gandhi Ashram Road, Hazipur, P.S.-Hazipur, District-Vaishali at Hazipur

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director, Secondary Education, Education Department Govt. of Bihar, Patna
3. The Regional Deputy Director of Education, Tirhut Division Muzaffarpur
4. The District Education Officer, Muzaffarpur

.... Respondents

with

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Civil Writ Jurisdiction Case No. 756 of 2017

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Ranju Bala Sharan, Wife of Shankar Prasad, Resident of Ashok Nagar, Road No.-7 Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Regional Deputy Directorate Education, Patna, District- Patna.
5. The School Inspectors-cum-Deputy Director-cum-Deputy Director Education Bihar, Patna.
6. The District Magistrate, Patna.
7. The District Education Officer, Patna
8. The District Programme Officer, Secondary Education, Patna.
9. The Head Mistress, Govt. Girls High School, Chiraiyatand, Patna.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1132 of 2017

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Nirmala, Wife of Shri Prem Prakash Jha, Resident of Mohalla - Chiraiyatanr, P.S. - Kankarbagh, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Regional Deputy Directorate Education, Patna, District - Patna.
5. The School Inspectors-cum-Deputy Director-cum-Deputy Director Education, Bihar, Patna.



6. The District Magistrate, Patna.
7. The District Education Officer, Patna.
8. The District Programme Officer, Secondary Education, Patna.
9. The Head Mistress, Govt. Girls High School, Chiraiyatand, Patna.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1271 of 2017

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Abha Rani, Wife of Shri Prit Ranjan Shrivastava, Resident of Village- Harnichak
Anishabad, P.S.- Beur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director Secondary Education, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Regional Deputy Directorate, Education, Patna, District- Patna.
5. The School Inspectors-cum-Deputy Director-cum- Deputy Director Education Bihar, Patna.
6. The District Magistrate, Patna.
7. The District Education Officer, Patna.
8. The District Programme Officer, Secondary Education, Patna.
9. The Head Mistress, State Govt. Girls Middle School, Patna City, Patna.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1310 of 2017

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Nazneen Akhtar D/o - Late Jamil Akhtar resident of Mohalla - Minshikar Toli, P.O.
- Gulzarbagh, P.S. - Alamganj, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Vaishali.
5. The District Education Officer, Vaishali.
6. The District Programme Officer, Establishment, Vaishali.
7. The Headmaster, Govt. Girls Middle School, Hajipur, Vaishali.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1576 of 2017

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1. Smt. Meera Pathak, Wife of Mr. Arun Kumar jha, Resident of Basghraha, P.O.- Vasudevpur P.S.-Kotwali, District-Munger.
2. Smt. Reeta Rani, Wife of Sri Shyamdev Bhagat, Resident of Munger Road, Jamalpur, P.S.-Jamalpur, District-Munger.



3. Smt. Vimla Kumari, W/o Kamlesh Prasad Gupta, R/o Bekapur, Mayur Chowk, P.S.-Kotwali, Town & District-Munger.
4. Sanjay Bihari Pandit, S/o Late Sitabi Pandit, R/o-Saraswati Sangitayalaya, Infront of Workshop, Hospital Road, P.S. & District-Khagaria, Bihar, Pin Code-851204.
5. Smt. Madhu Kumari, W/o Shashi Bhushan Prasad Singh, R/o-Sujrid Nagar, Lohiya Nagar, P.S. & District-Begusarai
6. Smt. Rekha Kumari, W/o Late Raj Kumar Sinha, R/o Ward No. 8, Village +P.O.-Sanhauli, P.S.-Chitragupta Nagar, District-Khagaria.
7. Kanchan Kumari, W/o Sri Sunil Kumar Yadav, R/o V.I.P. Colony, North Side of Jamui Block, P.O. + P.S. + District-Jamui.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Education Govt. of Bihar, Patna
2. Director (Secondary Education), Deptt. of Education, Govt. Of Bihar, Patna
3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The District Education Officer, Munger.
5. The District Programme Officer (Establishment) Munger.
6. The District Education Officer, Lakshisarai.
7. The District Programme Officer (Establishment) Llakhisarai.
8. The District Education Officer, Begusarai
9. The District Programme Officer (Establishment) Begusarai
10. The District Education Officer, Khagaria.
11. The District Programme Officer (Establishment) Khagaria.
12. The District Education Officer, Jamui.
13. The District Education Officer, Jamui.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1814 of 2017

=====

Shashi Kala Prasad wife of Shri Awadhesh Kumar Resident of Village - Damaria, P.S. - Gardanibagh, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Regional Deputy Directorate Education, Patna, District - Patna.
5. The School Inspector-cum-Deputy Director-cum-Deputy Director Education, Bihar, Patna.
6. The District Magistrate, Patna.
7. The District Education Officer, Patna.
8. The District Programme Officer, Secondary Education, Patna.
9. The Head Mistress, Govt. Girls High School, Chiraiyatand, Patna.

.... Respondents

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Appearance :

(In CWJC No.17438 of 2016)

For the Petitioner/s : Mr. Bharat Lal, Adv.



For the Respondent/s : Mr. Jitendra Kr. Roy SC13
 For the Intervener : Mr. Arun Kumar, Adv.

(In CWJC No.17547 of 2016)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.
 For the Respondent/s : Mr. Kameshwar Kumar- GP17
 Mr. Arbind Kumar, AC to GP17

(In CWJC No.19550 of 2016)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr.Adv.
 For the Respondent/s : Ms. Priyanka Singh, AC to AAG15

(In CWJC No.20078 of 2016)

For the Petitioner/s : Mr. Rajeev Lochan, Adv.
 For the Respondent/s : Mr. M.P.Yadav- GP23

(In CWJC No.756 of 2017)

For the Petitioner/s : Mr. Anuj Kumar, Adv.
 For the Respondent/s : Ms. Binita Singh- SC28
 Mr. Siddharth Shankar Pandey, AC to SC28

(In CWJC No.1132 of 2017)

For the Petitioner/s : Mr. Anuj Kumar, Adv.
 For the Respondent/s : Mr. Pramod Kumar Singh, AC to SC16

(In CWJC No.1271 of 2017)

For the Petitioner/s : Mr. Anuj Kumar, Adv.
 For the Respondent/s : Ms. Binita Singh -SC28

(In CWJC No.1310 of 2017)

For the Petitioner/s : Mr. Praveen Kumar, Adv.
 For the Respondent/s : Mr. Ram Balak Mahto- AG

(In CWJC No.1576 of 2017)

For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.
 For the Respondent/s : Mr. Prabhakar Jha- GP27

(In CWJC No.1814 of 2017)

For the Petitioner/s : Mr. Anuj Kumar, Adv.
 For the Respondent/s : Ms. Priyanka Singh, AC to AAG15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-02-2017

Heard learned counsel for the parties.

In each of the cases, it is following a CBI enquiry into the appointments of the petitioners posted as Assistant Teachers in



different schools as regarding their initial appointment, as well as report submitted by the agency that termination orders have been passed. Facts briefly stated is that a CBI enquiry was held following the order passed by this Court in a Public Interest Litigation arising from C.W.J.C.No. 10002/2016 (Kaushal Kumar vs. the State of Bihar & ors.), which reported certain irregularities as regarding appointments made on the post of Assistant Teachers, held by these petitioners. It is following the report given by the CBI that notice was issued and merely on reply that the order of termination has been passed. In some of the cases the order of termination is even before a reply could be filed.

Learned counsel for the petitioners and the learned counsel for the State do admit that this very issue came up for consideration in a batch of cases arising from C.W.J.C.No. 17904/2016 and when this Court taking note of the argument advanced on behalf of the petitioners as well as the stand of the respondents on the issue of irregularity, and finding the decision making process faulty, has quashed the impugned orders of termination while granting liberty to the authority concerned to proceed afresh but in accordance with law.

Learned counsel thus agree upon disposal of the writ petitions in terms of the judgment and order passed by this Court in C.W.J.C.No. 17904/2016 (Shanti Kumari & ors. vs. the State of Bihar



& ors.).

Having heard learned counsel for the parties and considering the submissions advanced and considering that there is no dispute as regarding the issue covered by the judgment and order of this Court in C.W.J.C.No. 17904/2016, all these writ petitions are allowed in terms of the judgment and order passed by this Court in the case of Shanti Kumari (supra) and consequentially, the order(s) of termination (a) bearing Memo No.703 dated 26.8.2016 passed by the Regional Deputy Director of Education, Gaya, impugned at Annexure 8 to C.W.J.C.No. 17438/2016; (b) bearing Memo No.710 dated 1.10.2016 passed by the Regional Deputy Director of Education, Purnea, impugned at Annexure 7 to C.W.J.C.No. 17547/2016; (c) bearing Memo No.1023 dated 24.8.2016 passed by the Regional Deputy Director, Patna Division, Patna, impugned at Annexure 9 to C.W.J.C.No. 19550/2016; (d) bearing Memo No.1235 dated 26.8.2016 passed by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, impugned at Annexure 8 to C.W.J.C.No. 20078/2016; (e) bearing Memo No.1023 dated 24.8.2016 passed by the Regional Deputy Director, Patna Division, Patna, impugned at Annexure 8 to C.W.J.C.No. 756/2017; (f) bearing Memo No.1023 dated 24.8.2016 passed by the Regional Deputy Director, Patna Division, Patna, impugned at Annexure 5 to



C.W.J.C.No. 1132/2017; (g) bearing Memo No.1023 dated 24.8.2016 passed by the Regional Deputy Director, Patna Division, Patna, impugned at Annexure 4 to C.W.J.C.No. 1271/2017; (h) bearing Memo No.1241 dated 26.8.2016 passed by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, impugned at Annexure 5 to C.W.J.C.No. 1310/2017; (i) bearing Memo No.640 dated 28.9.2016, Memo No.640 dated 28.9.2016, Memo No.722 dated 7.10.2016, Memo No.641 dated 28.9.2016, Memo No.642 dated 28.9.2016, Memo No.721 dated 7.10.2016, Memo No.643 dated 28.9.2016 respectively passed by the Regional Deputy Director of Education, Munger Division, Munger, impugned at Annexures 1 series to C.W.J.C.No. 1576/2017 and (j) bearing Memo No.1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 7 to C.W.J.C.No. 1814/2017; cannot be upheld and are accordingly, quashed and set aside. The petitioners stand reinstated on their respective posts with consequential benefits.

This order, however, would not preclude the Regional Deputy Director of Education concerned to proceed afresh but in accordance with law and pass appropriate orders after affording opportunity to the petitioners not only to file their show cause but also to defend their cases by personal hearing. Needless to add that the



petitioners on being served notice would co-operate in the expeditious disposal of the matter.

The writ petitions are allowed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2017
Transmission Date	NA

