

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7312 of 2017

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1. Pramod Kumar Mishra, Son of Sri Ramprit Mishra, resident of Mohalla - Nayi Basti, Mahadeva, P.S. - O.P. Mahadeva, Siwan, District - Siwan.
 2. Nitu Kumari wife of Late Sachin Kumar Singh, resident of village - Belvasa, P.S. - Husainganj, District - Siwan.
 3. Nirjhar Kumar Son of Late Nandji Prasad, resident of village - Sadarpur, P.S. - Barherya, District - Siwan.
 4. Mormati Devi wife of Late Dharmchandra Kumar Prabhakar, resident of village - Faridpur, P.S. - Husainganj, District - Siwan.
 5. Vikash Kumar Singh, Son of Sri Bajrang Bihari Singh, resident of village - Shivpur Mathyia Mairwa, P.S. - Mairwa, District - Siwan.
 6. Renu Kumari wife of Late Abhijit Kumar Chaturvedi, resident of village - Chakiya, P.S. - Bhagwanpur Hat, District - Siwan.
 7. Nasima Khatoon wife of Parwez Ansari, resident of village - Adali, P.S. - Sadar, District - Siwan.
 8. Krishna Murari Singh, Son of Late Ganesh Prasad Singh, resident of Mohalla - Dakhin Tola Behind Vishal Mega Mart, P.S.- Siwan, District - Siwan.
 9. Ankit Kumar Pandey, Son of Late Ramadhar Pandey, resident of village - Habibnagar, P.S. - Husainganj, District - Siwan.
 10. Mohit, Son of Late Sunanda Gupta, resident of village - Tetariya, P.S. - Husainganj, District - Siwan.
 11. Shahiboon Nisha, wife of Late Md. Khurshid Alam, resident of village - Aranda, P.S. - M.H. Nagar Hasanpura, District - Siwan.
 12. Santosh Kumar Ray, Son of Late Ramnarayan Prasad Yadav, resident of village - Risaura, P.S. - Maharajganj, District - Siwan.
 13. Hirdya Nand Manjhi, Son of Sri Rambriksha Manjhi, resident of village - Hathopur, P.S. - Daraunda, District - Siwan.
 14. Naushad Ali, Son of Late Mohammad Nurul Khain resident of village - Sharif Jalalpur, P.S. - Lakri Nabi Gange, District - Siwan.
 15. Girijesh Kumar Pandey, Son of Late Awadhesh Pandey, resident of village - Bhanti, P.S. - Raghunathpur, District - Siwan.
 16. Washim Ahmad, Son of Late Abul Kalam, resident of Village - Kuriyapur, P.S. - Barharia, District - Siwan.
 17. Mritunjay Kumar Pandey, Son of Late Awadhesh Kumar Pandey, resident of Village - Narsinhdarh, P.S. - Mail, District - Deoria.
 18. Pankaj Yadav, Son of Late Shree Omprakash Yadav, resident of village - Sonbarsa, P.S. - Mail, District - Deoria.
 19. Mamta Devi, Wife of Late Amitesh Kumar Ray, resident of village - Titara, P.S. - Merwa, District - Siwan.
 20. Dinesh Kumar, Son of Vidya Sharma, resident of village - Chatya Kala, P.S. - Baniyapur, District - Chhapra (Saran).
 21. Abdul Nasir, Son of Late Shabbir Ahmad resident of village - Nari, P.S. - Ghanshyampur, District - Darbhanga.
 22. Pushpa Kumari, Daughter of Late Ramajee Bhagat, resident of village - Sonkara, P.S. - Asawn, District - Siwan.
 23. Ravi Ranjan Prasad Gupta, Son of Late Ram Prakash Sah, resident of village - Khairwa, P.S. - Bhagwanpur Hat, District - Siwan.

.... Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.
7. The Regional Director, A.C.T.E. East Region 15, Neelkanth Nagar, Nayapalli, Bhubenshwar, Orissa.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate
		Mr. Satyam Shivam Sundaram, Advocate
For NCTE	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Rajeev Ranjan, A.C. to G.P. 20

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-09-2017

Heard Mr. P. K. Shahi, learned senior counsel along with
Mr. Satyam Shivam Sundaram, learned counsel for the petitioners;
Mr. Rajeev Ranjan, learned counsel for the State and learned counsel
for respondent no. 7.

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

“i. For quashing of office order contained in memo no-328 Siwan dt. 11.02.2017 issued under the signature of D.P.O. (Establishment) Siwan whereby and whereunder a recommendation was made to terminate the service of petitioners whose employments were made to the post of Panchayat Teacher or Prakhand Teacher in Siwna District on compassionate grounds after 31.03.2015.

ii. For a direction to make payment of salary to the petitioners, which was with held due to the reasons stated in following paragraphs.

iii. For granting any other relief/reliefs to which the petitioners are found entitled too.”



3. The grievance of the petitioners is that, in terms of the order dated 11.02.2017, a recommendation has been made to terminate their services.

4. Learned counsel for the petitioners submitted that in pursuance of the same, though the petitioners have not been terminated, but in spite of them discharging their duties, salary has been stopped. Learned counsel submitted that the issue, for all practical purposes, has been settled by the authorities themselves, inasmuch as, the Central Government in the Ministry of Human Resource Development, Department of School Education and Literacy, under Letter dated 03.08.2017, has communicated to all the Secretaries of Education Department, of the States and Union Territories, that untrained teachers be given time till 31.03.2019 to become trained. It was further submitted that in terms of the said order, the Principal Secretary, Department of Education, Government of Bihar, in turn, has communicated the same under his Letter No. 375 dated 16.08.2017, to all the Regional Deputy Directors of Education and District Education Officers. Learned counsel submitted that in terms of the said directions of the State Government, an opportunity was given to untrained teachers to register on-line for admission in the training course by 15.09.2017, which has been extended to 30.09.2017, and the petitioners have



already applied and got registration for the said training course.

5. Learned counsel for the State is not in a position to controvert the submissions made by learned counsel for the petitioners.

6. Having regard to the aforesaid, the writ petition stands allowed. The recommendation contained in Memo No. 328 dated 11.02.2017, issued by the respondent no. 6, for terminating the services of the petitioners is set aside. The petitioners are held eligible to continue in service, subject to the condition that by 31.03.2019, they shall acquire the required training. They are also held entitled to salary, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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