

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1019 of 2017

Shikha Rani, W/o- Sri Rajesh Kumar Sinha, R/o-Moh- Mahesh Nagar, P.S.-
P.P. Colony, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Education, Bihar.
2. Director, Secondary Education, Govt. of Bihar, New Secretariat Building, Patna.
3. Inspectress of School, cum Deputy Director, Bihar, Patna.
4. Distt. Education Establishment Committee through its President Cum Inspectress of School, Bihar, Patna.
5. Regional Deputy Director of Education, Patna Division, Patna.
6. District Education Officer, Patna.
7. Headmistress Bankipur Girls High School, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajendra Pd. Singh, Sr. Advocate Mr. Rajeev Kumar Singh, Advocate
For the State	:	Mr. Ashutosh Ranjan Pandey- AAG15 Mr. Priyadarshi Matin Sharan, AC to AAG-15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-11-2017

Seeking exception to an order dated 30th June, 2017 passed by the writ court in CWJC No. 20408 of 2016, this appeal has been filed under clause 10 of the Letters Patent.

2. The appellant was appointed in the institute in question way back in the year 1988. Apart from the petitioner, in



the same institute various other teachers were also appointed, who are Shanti Kumari, Usha Kumari, Kiran Kumari, Sarda Devi, Prema Kumari and 24 other teachers, further, Sanju Kumari, Kumari Girija Sinha, Dr. Minni Kumari, Usha Kumari Sinha, Rekha Kumari and Sangita Pandey who were also appointed along with the appellant. However, on 18.11.2006 the Regional Director of Education, Patna Division, Patna issued an order terminating the services of the teachers which included the present appellant. It is seen from the record that all the other teachers, whose names are given hereinabove approached this Court by filing writ applications, particulars of which are as under:

<u>CWJC No.</u>	<u>Name of the petitioner</u>
17904 of 2016	Shanti Kumari Vs. State of Bihar & Ors.
14724 of 2016	Usha Kumari Vs. State of Bihar & Ors.
17495 of 2016	Kiran Kumari Vs. State of Bihar & Anr
16996 of 2016	Sarda Devi Vs. State of Bihar & anr.
15713 of 2016	Prema Kumari & Ors. V. State of Bihar & Ors.
15726 of 2016	Sanju Kumari Vs. State of Bihar & Ors.
15992 of 2016	Kumari Girija Sinha V. State of Bihar & ors.
15778 of 2016	Dr. Minni Kumari Vs. State of Bihar & Ors.
16385 of 2016	Usha Kumari Sinha Vs. State of Bihar & Ors.
20167 of 2016	Rekha Kumari Vs. State of Bihar & Ors.
16487 of 2016	Sangita Pandey Vs. State of Bihar & Ors.

and writ Court on 17.1.2017 found that merely on the basis of CBI enquiry conducted and report given, action taken for terminating the appointments made in the year 1988 without



following the principles of natural justice and without hearing the persons concerned are unsustainable and quashed the impugned order and granted liberty to the Regional Deputy Director of Education to proceed in the matter in accordance to the law after affording reasonable opportunity to the petitioners concerned.

3. The appellant also challenged the same in the writ petition in question being CWJC No. 20408 of 2016 and brought to the notice of this Court the orders passed in the case of Shanti Kumari (supra) and others. However, the learned writ court held that show cause notice issued to the petitioner, findings recorded by the CBI included the petitioner and the petitioner was not able to demonstrate before the Court the finding of the CBI, the writ court dismissed the writ petition by holding that the case of Shanti Kumari and others are different and the petitioner cannot be granted the same benefit.

4. In all fairness, we are of the considered view that when more than 40 similarly situated employees are proceeded against and the order terminating their appointments made after following identical procedure, was quashed by a Co-ordinate Bench of this Court, similar benefit should have been granted to the petitioner.



5. In the case of Shanti Kumari and Ors. also the issue of report submitted by the CBI has been considered by a Bench of this Court and it has been held that similar enquiry was conducted behind the back of the employees without hearing them and without granting any opportunity, the action taken, which has effect of terminating the services which was granted to them in the year 1988, is unsustainable. The same principle applies in the case of the present appellant also because the action is taken on the basis of enquiry by the CBI.

6. In our considered view, once in the case of Shanti Kumari and others impugned order was quashed, the writ court in the present writ petition, CWJC No. 20408 of 2016, should have followed the judgment rendered in the case of Shanti Kumari and others and granted similar benefit to the appellant. This having not done, we allow this appeal, quash the order dated 30th June, 2017 passed by the writ court in CWJC No. 20408 of 2016, allow the writ petition and dispose it of in terms of the order dated 17.1.2017 passed by the writ court in the case of Shanti Kumari & others, CWJC No. 17904 of 2016 and its analogous cases, as indicated hereinabove. The appellant shall also be identically treated and all benefits granted in accordance to the order passed on 17.1.2017



passed in CWJC No. 17904 of 2016 (Shanti Kumari Vs. The State of Bihar and others) and its analogous cases.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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