

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2874 of 2016

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Samir Kumar, Son of Shri Hari Shankar Singh, resident of Village Amar Chapra,
P.S.- Chapra Muffasil, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary
2. The Principal Secretary Department of Human Resources Development, Govt. of Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The Special Director Primary Education, Bihar, Patna.
5. The Regional Dy, Director Education, Saran Division, Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer, Saran at Chapra.
8. The Headmaster Govt. Basic School, Chapra (Gudari), Saran at Chapra.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3908 of 2016

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Pradeep Kumar Yadav Son of Late Muneshwar Rawat Resident of Village and
P.O.- Laheji, P.S.- M.H. Nagar, District- Siwan

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education, Government of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Regional Deputy Director of Education, Saran at Chapra
5. The District Education Officer, Saran at Chhapra
6. The District Programme Officer (Establishment), Saran at Chhapra.
7. The District Education Officer, Siwan
8. The District Programme Officer (P & A), Siwan

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3230 of 2016

=====

Ashok Kumar Singh Son of Shri Chandrakhet Narayan Singh resident of village -
Lauwa, P.S. Ishuapur, District - Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary
2. The Principal Secretary Department of Human Resources Development, Govt. of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Special Director Primary Education, Bihar, Patna
5. The Regional Dy. Director Education, Saran Division, Chapra
6. The District Education officer, Saran at Chapra



7. The District Programme officer, Saran at Chapra
 8. The Headmaster Govt. Basic School, Bansohi, Saran at Chapra
 Respondents
 with

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Civil Writ Jurisdiction Case No. 2808 of 2016

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Vijay Kumar Singh Son of Late Vishwanath Singh resident of village - Rampur Khoram, P.S. - Marhowrah, District - Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Special Director Primary Education, Bihar, Patna.
5. The Regional Dy. Director Education, Saran Division, Chapra.
6. The District Education Officer, Siwan.
7. The District Programme Officer, Siwan.
8. The Headmaster, Govt. Basic School, Agahra, Saran at Chapra.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 2800 of 2016

=====

Dinesh Kumar Singh Son of Shri Ram Naresh Singh, Resident of Village - Sharda Rai Ka Tola, P.S. - Marhaura, District - Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary
2. The Principal Secretary Department of Human Resources Development, Govt. of Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The Special Director Primary Education, Bihar, Patna.
5. The Regional Dy. Director Education, Saran Division, Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer, Saran at Chapra.
8. The Headmaster Govt. Basic School, Mahmmadpur, Saran at Chapra.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 2487 of 2016

=====

Ram Pukar Singh Son of Ram Naresh Singh, resident of village- Sharda Rai Ka Tola, P.S.- Marhowrah, District- Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar through is Chief Secretary
2. The Principal Secretary Department of Human Resources Development, Govt. of



Bihar, Patna

3. The Director Primary Education, Bihar, Patna
4. The Special Director Primary Education, Bihar, Patna
5. The Regional Dy. Director Education, Saran Division, Chapra
6. The District Education Officer, Siwan
7. The District Programme Officer, Siwan
8. The Headmaster Govt. Basic School, Aghara, Saran at Chapra

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1622 of 2016

=====

Alamddin Mia S/o Sri Vokil Mian Resident of village - Amlori, P.O. Amlori, P.S. + District Siwan, Previously Posted and Working as an Assistant Teacher in Govt. Basic School, Jigna, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar at Patna
2. The Director, Primary Education, Government of Bihar at Patna
3. The Regional Deputy Director of Education, Saran Division at Chapra, District Saran
4. The District Education officer, Gopalganj, District Gopalganj
5. The District Education officer, Siwan, District - Siwan
6. The District Education officer, Saran at Chapra
7. The District Programme officer (Establishment), Gopalganj, District - Gopalganj
8. The District Programme officer (Accounts and Planning), Siwan, District - Siwan

.... Respondents

with

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Civil Writ Jurisdiction Case No. 2898 of 2016

=====

Baleshwar Prasad Singh Son of Late Bhrigunath Singh, Resident of Village - Pursouli, P.S. - Isuapur, District - Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary Department of Human Resources Development, Govt. of Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The Special Director Primary Education, Bihar, Patna.
5. The Regional Dy. Director Education, Saran Division, Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer, Saran at Chapra.
8. The Headmaster Govt. of Basic School, Doila, Saran at Chapra.

.... Respondents

with



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Civil Writ Jurisdiction Case No. 3732 of 2016

=====

Raj Mohammad Ansari Son of late Md. Reyajuddin Ansari resident of Village-Shahpur P.s Gautam Budha Nagar, (Tarwara) District Siwan.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary Department of Human Resources Development of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Special Director Primary Education, Bihar, Patna
5. The Regional Dy. Director Education, Saran Division, Chapra
6. The District Programme Officer, Saran at Chapra.
7. The District Programme officer, saran at chapra
8. The Headmaster Govt. Basic School, Kerwan, Saran at Chapra.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3718 of 2016

=====

Manshi Miyan Son of Late Isahak Miyan resident of village - Narharpur, P.S. Marhaura, District - Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary
2. The Principal Secretary Department of Human Resources Development, Govt. of Bihar, Patna
3. The Director Primary Education, Bihar, Patna
4. The Special Director, Primary Education, Bihar, Patna
5. The Regional Dy, Director Education, Saran Division, Chapra
6. The District Education officer, Saran at Chapra
7. The District Programme officer, Saran at Chapra
8. The Headmaster Govt. Basic School, Bangra, Saran at Chapra

.... Respondents

with

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Civil Writ Jurisdiction Case No. 12542 of 2016

=====

Tribhuwan Pandey, son of Late Dinanath Pandey, Resident of Village- Pande Ji, P.O. Jaijore, P.S. Andar, District- Siwan, Assistant Teacher, Government Basic School, Jaijore, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Programme Officer (Establishment), Siwan-cum-Conducting Officer, District- Siwan.

.... Respondents



with

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Civil Writ Jurisdiction Case No. 13978 of 2016

=====

Nirmala Singh daughter of Late Janardan Singh, resident of Village- Kothian, P.S.- Jalalpur, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Primary, Education Government of Bihar, Patna.
4. The Special Director, Primary, Education Government of Bihar, Patna.
5. The Regional Deputy Director of Education, Saran Division, Chapra.
6. The District Superintendent of Education-cum- Inquiry Officer, Saran at Chapra.
7. The Sub Divisional Education Officer, Saran (South)-cum- Conducting Officer, Saran at Chapra.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 19509 of 2015

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Abhimanyu Prasad Singh s/o Late Karo Singh, Resident of village- Dhurgaon Ward No. 4, P.S. Ekangarsarai, Nalanda at Biharsharif

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Regional Deputy Director of Education, Patna Division, Patna
4. The Regional Deputy Director of Education, Saran Division, Chapra

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1048 of 2016

=====

Sohaibun Khanam, W/o- Masihuzzanan Khan, R/o at P.O.+P.S.- Jagdishpur, Mohalla- Purab, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The Regional Deputy Director Education, Saran Division, Chapra.
6. The District Education Officer, Bhojpur at Ara.

.... Respondents

with



Civil Writ Jurisdiction Case No. 19653 of 2015

=====

Vijay Kumar Raman Son of Late Rameshwar Singh, Resident of Village and P.O. Narendrapur, P.S. Jiradei, District - Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Education Officer, Siwan, District - Siwan.
6. The District Programme Officer (Accounts & Planning), Siwan, District - Siwan.

.... Respondents

with

Civil Writ Jurisdiction Case No. 3813 of 2016

=====

Anant Kumar Singh Son of Ram Bahori Singh Resident of Village Mathiya, P.O. Kawalpura, P.S. - Masarak, District Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Special Director, Primary Education, Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education (RDDE), Saran Division, Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer, Saran at Chapra.
8. The Headmaster, Govt. Basic School, Hansapir under the Circle of Masarak District Saran at Chapra.

.... Respondents

with

Civil Writ Jurisdiction Case No. 10784 of 2016

=====

Prem Kumar Shukla son of Shri Sachchidanand Shukla resident of Village-Jitwarpur, Post- Badka, P.S.- Derni, District- Chapra(Saran)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar , Patna
3. The Regional Deputy Director of Education, Saran Division, Chapra

.... Respondents

with

Civil Writ Jurisdiction Case No. 11069 of 2016



Kanhaiya Jee Shukla, son of Sri Bhrigu Nath Shukla, resident of village + P.O. Mastichak, P.S. Dariyapur, District Saran

.... Petitioner

Versus

- 1. The State of Bihar
- 2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
- 3. The Director, Primary Education, Government of Bihar, Patna.
- 4. The Regional Deputy Director of Education, Saran Division, Chapra.
- 5. The District Education Officer, Saran.
- 6. The District Programme Officer (Establishment), District- Saran.

.... Respondents

with

Civil Writ Jurisdiction Case No. 11035 of 2016

Ajay Kumar Singh S/o Sri Raghav Prasad Singh, resident of Village+P.O.- Mirzapur, P.S.- Awatarnagar, District- Saran.

.... Petitioner

Versus

- 1. The State of Bihar
- 2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
- 3. The Director, Primary Education, Government of Bihar, Patna.
- 4. The Regional Deputy Director of Education, Saran Division, Chapra.
- 5. The District Education Officer, Saran.
- 6. The District Programme Officer (Establishment), District- Saran.

.... Respondents

with

Civil Writ Jurisdiction Case No. 11953 of 2016

Punyakal Singh Son of Late Jamdar Singh resident of Village- Naini, P.S.- Chapra Muffasil, District- Saran.

.... Petitioner

Versus

- 1. The State of Bihar through its Chief Secretary.
- 2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
- 3. The Director, Primary Education, Bihar, Patna.
- 4. The Special Director, Primary Education, Bihar, Patna.
- 5. The Regional Dy, Director Education, Saran Division, Chapra.
- 6. The District Education Officer, Saran at Chapra.
- 7. The District Programme Officer, Saran at Chapra.
- 8. The District Programme Officer, Siwan.
- 9. The Headmaster, Govt. Basic School, Mahmadpur, Saran.

.... Respondents

with

Civil Writ Jurisdiction Case No. 12223 of 2016



Rajendra Singh Son of Late Gorakh Singh Resident of village and P.O. Chakra,
P.S. Siwan Muffasil, District Siwan an Assistant Teacher in Government Basic
School, Andar, District Siwan (Since Dismissed)

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Saran Division, Chapra
5. The District Programme officer (Establishment), Siwan - Cum - Conducting
Officer, District Siwan

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3921 of 2016

=====

Harendra Prasad Singh Son of Sri Laxman Singh Resident of village - Dharmchak,
P.O. Mastichak, P.S. Dariyapur, District - Saran

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Govt of Bihar, Patna
4. The Regional Deputy Director of Education, Saran at Chhapra
5. The District Education officer, Saran at Chapra
6. The District Programme officer (Establishment), Saran at Chhapra

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4004 of 2016

=====

Bacha Lal Sah Son of Late Kedar Nath Sah Resident of Village and P.O.- Sadhpur
via Khodai Bagh, P.S.- Garkha, District- Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Regional Deputy Director of Education, Saran at Chapra
5. The District Education Officer, Saran at Chhapra
6. The District Programme Officer (Establishment), Saran at Chhapra.

.... Respondents

with

=====

Civil Writ Jurisdiction Case No. 4320 of 2016

=====

Birendra Kumar Rai Son of Late Agni Deo Prasad Rai Resident of village -
Dumaria, P.O. Chanchaura, P.S. Chhapra, District - Saran

.... Petitioner



Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Regional Deputy Director of Education, Saran at Chhapra
5. The District Education officer, Saran at Chhapra
6. The District Programme officer (Establishment), Saran at Chhapra
7. The District Education officer, Siwan
8. The District Programme officer, (P & A), Siwan

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3850 of 2016

=====

Raj Narayan Rai, Son of Late Ram Naresh Rai, Resident of Village- Bariyar Chak,
PO and PS- Nayagaon, District- Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran at Chhapra.
5. The District Education Officer, Saran at Chhapra.
6. The District Programme Officer (Establishment), Saran at Chhapra.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3860 of 2016

=====

Yunarvi Rai Son of Ram Gati Rai, Resident of Village- Banwaripur, P.O.-
Mastichak, Ps- Dariyapur, District- Saran.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran at Chhapra.
5. The District Education Officer, Saran at Chhapra.
6. The District Programme Officer (Establishment), Saran at Chhapra.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4061 of 2016

=====

Arun Kumar Yadav, Son of Late Jagadish Prasad Yadav, R/o village- Tejpurwa
PO- Musehari via Khaira, PS- Chhapra Mufassil, District- Saran.

.... Petitioner

Versus

1. The State of Bihar



2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran at Chhapra.
5. The District Education Officer, Saran at Chhapra
6. The District Programme Officer (Establishment), Saran at Chhapra.
7. The District Education Officer cum Enquiry Officer, Siwan.
8. The District Programme Officer (P & A) cum presenting officer, Siwan.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 18888 of 2015

=====

Shah Shobha Kumari, wife of Sri Nageshwar Shah, Presently working as an Assistant Teacher in Government Basic School, Haranbadha, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Education Officer, Saran at Chapra, District- Saran at Chapra.

.... Respondents

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Appearance :

(In CWJC No.2874 of 2016)

For the Petitioner/s : Mr. Ram Binod Singh

For the Respondent/s : Mr. Raj Nandan Prasad- SC9

(In CWJC No.3908 of 2016)

For the Petitioner/s : Mr. Bajarangi Lal

For the Respondent/s : Mr. Ujjwal, SC25

(In CWJC No.3230 of 2016)

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Ram Binod Singh, Adv.

For the Respondent/s : Mr. Puspanjali Sharma, AC to SC20

(In CWJC No.2808 of 2016)

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Ram Binod Singh, Adv.

For the Respondent/s : Mr. Rakesh Prabhat, AC to SC21

(In CWJC No.2800 of 2016)

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Ram Binod Singh, Adv.

For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP23

(In CWJC No.2487 of 2016)

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Ram Binod Singh, Adv.

For the Respondent/s : Mr. Arun Kumar Sinha, AC to GP24

(In CWJC No.1622 of 2016)

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Adv.

For the Respondent/s : Mrs. Abhanjalli, AC to GA12



(In CWJC No.2898 of 2016)

For the Petitioner/s : Mr. Ram Binod Singh, Adv.

For the Respondent/s : Mr. Partha Sarthi- GA11

(In CWJC No.3732 of 2016)

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

Mr. Ram Binod Singh, Adv.

For the Respondent/s : Mr. Ashutosh Kumar Jha, AC to GA11

(In CWJC No.3718 of 2016)

For the Petitioner/s : Mr. Ram Binod Singh

For the Respondent/s : Mr. S.K. Sharma- GA1

(In CWJC No.12542 of 2016)

For the Petitioner/s : Mr. S.B.K.Mangalam, Adv.

For the Respondent/s : Mr. Rajiv Roy- GP1

Mr. Suresh Kumar, AC to GP1

(In CWJC No.13978 of 2016)

For the Petitioner/s : Mr. Vipin Kumar Singh, Adv.

For the Respondent/s : Mr. Prabhakar Jha-GP27

(In CWJC No.19509 of 2015)

For the Petitioner/s : Mr. Rajeev Kumar Singh

For the Respondent/s : Mr. Binodji Verma, GP17

(In CWJC No.1048 of 2016)

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv.

For the Respondent/s : Mr. Syed Md. Najmal Bari, AC to SC20

(In CWJC No.19653 of 2015)

For the Petitioner/s : Mrs. Anita Kumari. Adv

For the Respondent/s : Mr. Pandey S.Sahay, SC31

(In CWJC No.3813 of 2016)

For the Petitioner/s : Mr. Jeetendra Narayan, Adv.

For the Respondent/s : Mr. Madhivkas Mishra, AC to SC16

(In CWJC No.10784 of 2016)

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the Respondent/s : Mr. Vivek Prasad- GP7

Mr. S.K.Saraf, AC to GP7

(In CWJC No.11069 of 2016)

For the Petitioner/s : Mr. Chandra Shekhar Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan- GP29

(In CWJC No.11035 of 2016)

For the Petitioner/s : Mr. Chandra Shekhar Singh, Adv.

For the Respondent/s : Mr. GP26- Nirbhay Kumar Singh

(In CWJC No.11953 of 2016)

For the Petitioner/s : Mr. Raghwendra Kumar, Adv.

For the Respondent/s : Mr. Shyam Kishore Sharma, GA1

(In CWJC No.12223 of 2016)

For the Petitioner/s : Mr. S.B.K.Mangalam, Adv.

For the Respondent/s : Mr. Gyan Shankar, AC to GP2

(In CWJC No.3921 of 2016)

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

For the Respondent/s : Mrs. Shally Kumari, AC to SC24

(In CWJC No.4004 of 2016)

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

For the Respondent/s : Mr. Indradeo Prasad, SC 27

(In CWJC No.4320 of 2016)



For the Petitioner/s : Mr. Bajarangi Lal, Adv.
 For the Respondent/s : Mr. Amar Nath Deo- SC26
 (In CWJC No.3850 of 2016)
 For the Petitioner/s : Mr. Bajarangi Lal, Adv.
 For the Respondent/s : Mr. Rakesh Kumar Sharma, AC to SC9
 (In CWJC No.3860 of 2016)
 For the Petitioner/s : Mr. Bajarangi Lal, Adv.
 For the Respondent/s : Mr. Kumar Manish- SC21
 (In CWJC No.4061 of 2016)
 For the Petitioner/s : Mr. Bajarangi Lal, Adv.
 For the Respondent/s : Mr. Tej Pratap Singh, AC to AAG13
 (In CWJC No.18888 of 2015)
 For the Petitioner/s : Mr. S.B.K.Mangalam, Adv.
 For the Respondent/s : Mr. SC13- Arvind Kumar-1, SC13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
CAV JUDGMENT
Date: 13-04-2017

The writ petitioners in this batch of cases are aggrieved by the order dated 19.12.2014 passed by the Principal Secretary, Education Department, Govt. of Bihar, Patna in purported compliance of the order passed by this Court in C.W.J.C.No. 8942/2001 (Bhagwan Singh v. the State of Bihar & ors.) and C.W.J.C.No. 10212/2001 (Kashinath Singh v. the State of Bihar & ors.) as well as in the light of the report submitted by the Vigilance Investigation Bureau, whereby orders have been issued to the Regional Deputy Director of Education, Saran Division, Chapra to take appropriate steps in accordance with the provisions of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules') for termination of services of the Assistant Teachers whose names finds mentioned in paragraph 3 of the letter.

The petitioners are also aggrieved by the follow-up action



taken by the Regional Deputy Director of Education, Saran Division, Chapra, whereby the services of the petitioners have been terminated. The individual orders of termination are impugned in the respective writ petitions and the orders of termination together with the decision of the Principal Secretary have been put to question before this Court in this batch of writ petitions.

Since the issue involved in this batch of writ petitions is common, hence I would be making reference to the pleadings and annexures as occurring in C.W.J.C.No. 2874/2014 for the sake of convenience unless clarified by specific reference to any document enclosed in any other writ petition.

The brief summary of facts relevant for the purpose of consideration of the matter in contest runs as follows:

An advertisement was issued by the State Government in the office of the Director, Primary Education, inviting applications from the intending candidates for appointment to the post of Assistant Teachers in Matric Trained scale in Government Basic Schools on 9.8.1988, a copy of which is enclosed at Annexure 1. Clause 3 of the advertisement prescribes the age for making such application with due relaxation to the candidates coming under the Scheduled Caste, Scheduled Tribes and woman category. While the prescribed age for unreserved category candidate was fixed in between 18 years to 30



years as on 1.8.1988, the maximum age was relaxed for reserved category candidates, as mentioned, to 35 years. It is not in dispute that the petitioners herein were within the prescribed age and were also Matric Trained. Interview Call Letters were issued to the petitioners, one of which is at Annexure 2 to the writ petition dated 3.3.1989 with similar interview letters being issued to other petitioners. Vide letter dated 31.12.1990 the petitioner was informed by the Regional Deputy Director of Education that his name was present in the panel on the basis of interview held and that he should present himself alongwith his original certificates, the details of which is mentioned in the letter itself placed at Annexure 5 for its verification on 10.1.1991.

According to the petitioner, a panel was prepared on the basis of marks obtained by the candidates in his Matriculation as well as the marks obtained by him in basic training divided by the total marks obtained by the candidates in Matric as well as in basic training multiplied by hundred. According to the petitioners, they were found eligible for appointment and their names figured in the merit panel so prepared. It is on completion of such formality that appointment order was issued, a copy of which is present at Annexure 6 to the writ petition, dated 31.1.1991, in favour of the petitioner in C.W.J.C.No. 2874/2016 and similar appointment orders were also issued to other petitioners, which are enclosed in respective writ petition. According



to the petitioners, since after their joining on the respective post, they have worked to the satisfaction of all concerned with no complaints and during which course, the certificates of the petitioners as to their eligibility have been examined by the authorities.

According to the petitioners, it is after a decade that two persons claiming to be applicant for the post filed writ petitions in this Court giving rise to C.W.J.C.No. 8942/2001 (Bhagwan Singh v. the State of Bihar & ors.) and C.W.J.C.No. 10212/2001 (Kashinath Singh v. the State of Bihar & ors.). The grievance of these two petitioners before this Court was that they have been wrongfully denied appointments. The two writ petitions came up for consideration on 24.8.2011 and when a Bench of this Court directed for a vigilance enquiry into the grievance raised by the two petitioners. A vigilance enquiry was held, during which course the petitioners presented their documents in support of their respective appointment. The report of the vigilance has been placed on record vide Annexure 'A' to the counter affidavit filed in C.W.J.C.No. 2874/2016 and which has been registered as a police case. The Vigilance undisputedly has alleged irregularity in the appointments and in preparation of the merit list. The report of the Vigilance at Annexure 'A', while names 13 accused as being involved in the alleged fraudulent appointments, it also names 12 others who had secured appointment on certificates



belonging to some other person.

In so far as the petitioners are concerned, the irregularity pointed out in the vigilance report is that while some of them have been posted with marks exceeding the actual marks obtained by them, in case of others the total marks obtained by the candidates have been reduced to enhance their respective percentage. According to the petitioners, the High Court in consideration of the vigilance report, directed the Superintendent of Police (Vigilance) to forward the report with enclosures to the Department of Primary Education and the Principal Secretary, Human Resources Development Department, was directed to personally examine and decide the future course of action. The two writ petitions bearing C.W.J.C. No. 8942/2001 and C.W.J.C.No. 10212/2001 together with C.W.J.C.No. 20639/2010, which was made analogous, were disposed of accordingly.

It is in the light of the orders so passed that a three-man Committee was constituted by the Director, Primary Education vide his order bearing Memo No. 1537 dated 24.10.2013, a copy of which is placed on record vide Annexure 7 to the compilation filed in C.W.J.C.No. 2874/2016. The Regional Deputy Director of Education, Saran Division, Chapra was made Chairman of the Committee and the District Education Officer, Saran alongwith the District Programme Officer (Establishment), Saran were appointed as Members of the



Committee. The three-man Committee has submitted their report on 24.2.2014, a copy of which is placed at Annexure 'B' to the counter affidavit so filed. The three-man Committee have reported irregularities in the appointment and it is taking note of the report of the Vigilance as well as the three-man Committee present at Annexures 'A' and 'B' to the counter affidavit that the Principal Secretary, Education Department, Government of Bihar, vide his letter dated 19.12.2014 addressed to the Regional Deputy Director of Education, Saran Division, Chapra has issued orders for taking appropriate steps in accordance with the Rules, for termination of appointment of the candidates whose names finds mentioned in paragraph 3 which consists of four sub-paragraphs. The name of the petitioners finds mentioned at Paragraph 3(iv) of the said letter. These are the persons who were reportedly not found within the recommended panel of 1 to 150 candidates. A copy of the letter of the Principal Secretary dated 19.12.2014 is enclosed at Annexure 9 to C.W.J.C.No. 3908 of 2016. The records of the proceedings do confirm that charge memo was served on each of the petitioners with allegation of having interpolated their marks to gain advantage in the merit panel for securing appointment. Each of the petitioners have replied to the charge. The petitioner while filing his reply present at Annexure 15 has demanded the documents which is the foundation



for the charge but was never supplied with the same. The Enquiry Officer submitted his report which again was not supplied but stands discussed in the second show cause notice issued to the petitioner vide Annexure 17 and a glance thereto would confirm that the petitioner was exonerated from all charges. In fact the Enquiry Officer has held the person in-charge of preparation of panel as guilty of committing irregularity and rejected the allegation against the petitioner of being a party to such irregularity. The petitioner filed an exhaustive reply to the second show cause vide Annexure 18 but has been met with the order of termination impugned at Annexure 19 to the writ petition. Similar second show cause and similar order of termination form part of rest of the writ petitions which forms the batch and the petitioners feeling aggrieved are before this Court.

The sequence of events leading to the order of termination, which is identical in each of the writ petitions, stands discussed above in reference to the pleadings made in C.W.J.C.No. 2874/2016. However, for the sake of convenience I would be individually discussing the annexures relating to the proceeding as enclosed in respective writ petitions.

C.W.J.C.No. 3908/2016

Annexure 3 to the writ petition is the appointment order of the petitioner dated 31.1.1991 coming under the Backward Class



Category. The three-Member Committee constituted under the orders of the Director, Primary Education submitted its report on 24.2.2014, a copy of which has been enclosed at Annexure 8. Annexure 10 is initiation of the disciplinary proceedings vide Memo No. 15 dated 5.1.2015 of the Regional Deputy Director of Education and the charge memo in Form- Ka has been annexed as Annexure 11 bearing Memo No. 81 dated 28.1.2015. The allegation against the petitioner is of manipulating the marks obtained in his Teachers Training, which according to the charge has been enhanced to 496 in place of 396. According to the charge, the petitioner has manipulated his marks by committing forgery to enhance it by 100 marks and by such act has secured 104 position in the merit list. The evidence discussed in the charge is the vigilance enquiry report and the seniority list. The petitioner submitted his explanation vide Annexure 12 and the enquiry report bearing No. 296 dated 28.8.2015 is present at Annexure 13 exonerating the petitioner of all charges. Though the Enquiry Officer cum District Education Officer, Siwan has found the person entrusted with the responsibility of preparation of the merit list as guilty but the involvement of the petitioner has been rejected. A second show cause was served on the petitioner on 7.11.2015 vide Annexure 14 and the disciplinary authority even after noticing the opinion of the Enquiry Officer, has rejected the explanation of the petitioner and held him



guilty. The petitioner responded to the second show cause vide Annexure 15 and has been served with the termination order bearing Memo No. 12 dated 11.1.2016 impugned at Annexure 16.

C.W.J.C.No. 3230/2016

The facts and the result of this case is identical to the cases dealt above. The appointment order of the petitioner dated 24.10.1991 is enclosed at Annexure 6 to the writ petition coming under General Category. The charge memo served is impugned at Annexure 12 bearing Memo No. 96 dated 28.1.2015 of the Regional Deputy Director of Education and the petitioner has also been charged with interpolation of marks obtained in his educational and Teachers Training qualification to enhance the same and obtain a merit position. The petitioner has been charged with obtaining appointment by committing forgery. The documents relied upon in the charge memo is the vigilance enquiry report. The petitioner filed his reply to the charge vide Annexure 13 denying the charges of committing forgery. The petitioner has prayed for supply of documents supporting the charge but was not supplied and even a reminder at Annexure 14 went asking. The Enquiry Officer exonerated the petitioner of the charges. Nonetheless and without supplying the documents which allegedly supported the charge of interpolation by the petitioner that a second show cause was served on 30.10.2015 vide Annexure 15 and



which again was replied by the petitioner. The petitioner while pointing out that the documents asked by him has yet not been supplied, has denied the allegation of forgery and cheating. The stand taken by the petitioner has been rejected and a termination order has been passed vide Annexure 17 bearing Memo No. 818 dated 21.11.2015.

C.W.J.C.No. 2808/2016

The appointment order is enclosed at Annexure 6 and is dated 31.1.1991. The petitioner comes under General Category. The charge memo is impugned at Annexure 13 bearing Memo No. 92 dated 28.1.2015. The petitioner has been charged with manipulation of his Teachers Training marks to obtain a higher position in the merit list. The evidence discussed is the vigilance enquiry report and the seniority list. Even while the petitioner kept asking for the documents mentioned in the charge memo that he was served with second show cause notice dated 3.11.2015 impugned at Annexure 15. The petitioner was not served with the enquiry report. However, the finding of the Enquiry Officer is discussed in the second show cause and the Enquiry Officer has exonerated the petitioner of the charges. The disciplinary authority has simply rejected the explanation without assigning reasons and asked for the second show cause which has been replied by the petitioner vide Annexure 16. The disciplinary



authority without dealing the issues raised by the petitioner has passed his termination order bearing Memo No. 829 dated 26.11.2015 impugned at Annexure 17.

C.W.J.C.No. 2800/2016

The appointment order has been enclosed at Annexure 5 bearing Memo No. 219 dated 31.1.1991. The petitioner comes under the General Category. The charge sheet has been impugned at Annexure 10 bearing Memo No. 99 dated 28.1.2015 and charges the petitioner of manipulating his marks obtained in the Teachers Training Examination by reducing the total marks to 1400 for gaining advantage in percentage when the actual total marks in the Teachers Training Examination was 1500. The evidence in support is again the vigilance enquiry report. The petitioner denied the allegation vide his reply present at Annexure 11 and requested for the documents which forms the basis for the allegation of interpolation. The petitioner reiterated his request for the documents vide Annexure 12 but was not provided with the same. The petitioner was served with the second show cause notice dated 27.10.2015 and while the Enquiry Officer has exonerated the petitioner of the charges, and has charged the person In-charge of preparation of panel with the illegality but the disciplinary authority has mechanically rejected the finding to serve the second show cause. An exhaustive reply was filed by the



petitioner to the second show cause vide Annexure 14 which is followed by the termination order bearing Memo No. 814 dated 14.11.2015 impugned at Annexure 15.

C.W.J.C.No. 2487/2016

The appointment order dated 31.1.1991 has been enclosed at Annexure 6. The petitioner comes under General Category. The charge sheet served is impugned at Annexure 11 bearing Memo No. 93 dated 28.1.2015. The petitioner has been charged with interpolating his Teachers Training marks to gain advantage in the merit list. The evidence relied upon is the vigilance enquiry report and the seniority list. The petitioner filed his reply to the charge sheet vide Annexure 12 denying the charge and requested for the documents supporting the allegation of interpolation. No document was supplied rather the petitioner was served with the second show cause dated 3.11.2015 impugned at Annexure 13. The disciplinary authority even while noticing the opinion of the Enquiry Officer exonerating the petitioner of the charge has rejected the explanation of the petitioner to serve the second show cause. The petitioner filed his reply vide Annexure 14. The explanation was rejected and the termination order bearing Memo No. 828 dated 26.11.2015 was served vide Annexure 15.



C.W.J.C.No. 1622/2016

The appointment order dated 31.1.1991 is enclosed at Annexure 4. The petitioner comes under Extremely Backward Class Category. The charge sheet is impugned at Annexure 9 bearing Memo No. 86 dated 28.1.2015 and the petitioner is charged with manipulation of 100 marks in his Teachers Training qualification. According to the charge, the petitioner has reduced the total marks provided in the Teachers Training Examination to read as 1400 in place of 1500, to obtain a higher percentage. The evidence discussed is the vigilance enquiry report and the seniority list. The petitioner filed his reply to the charge vide Annexure 10 denying the charge. Although the Enquiry Officer exonerated the petitioner of the charges but yet the disciplinary authority has served a second show cause on 3.11.2015 vide Annexure 11 without assigning the reasons for disagreement. The petitioner filed an exhaustive reply vide Annexure 11 and has been served with the termination order bearing Memo No. 839 dated 4.12.2015 impugned at Annexure 13.

C.W.J.C.No. 2898/2016

The appointment letter dated 31.1.1991 is enclosed at Annexure 4. The petitioner comes under General Category. The charge memo is impugned at Annexure 8 bearing Memo No. 97 dated 28.1.2015. The petitioner has been charged with manipulation of his



educational and Teachers Training qualification to gain advantage in the merit list. The evidence relied upon is the vigilance enquiry report and the seniority list. The petitioner filed his reply to the charge vide Annexure 9 and also requested for supply of the documents supporting the allegation. The documents were not supplied and the petitioner filed a reminder for the documents vide Annexure 10. The Enquiry Officer has exonerated the petitioner of the allegations but a second show cause was served on the petitioner by the disciplinary authority on 27.10.2015 vide Annexure 12. The petitioner prayed for time for filing his second show cause vide Annexure 13 reporting illness but the disciplinary authority vide order bearing Memo No. 812 dated 14.11.2015 has proceeded to order for termination. The order of termination is impugned at Annexure 14. Rather peculiar is the fact that even when the petitioner prayed for time to file his second show cause but the disciplinary authority has mechanically noted that a second show cause was filed and was found unsatisfactory. This single instance is sufficient to confirm that the orders have been passed in mechanical manner with premeditated mind.

C.W.J.C.No. 3732/2016

The appointment order dated 31.1.1991 is enclosed at Annexure 6. The petitioner comes under Extremely Backward Class



Category. The charge memo is impugned at Annexure 9 bearing Memo No. 101 dated 28.1.2015 and charges the petitioner of interpolating his Teachers Training qualification marks by reducing the total marks from 1500 to 1400 to gain advantage in percentage and obtain a higher position in the merit list. The evidence relied upon is the vigilance enquiry report and the seniority list. The petitioner filed his reply to the charge vide Annexure 10 denying the allegations and has also made reference to the stand taken by the respondents in the counter affidavit filed in C.W.J.C.No. 23198/2011 wherein it was mentioned that the candidates under reserved category were within roster points. The Enquiry Officer exonerated the petitioner of the charges but the disciplinary authority simply ignoring the same has served the second show cause notice on 27.10.2015 vide Annexure 11. The petitioner vide Annexure 12 demanded for the documents but without discharging obligation, that the termination order was served bearing Memo No. 811 dated 14.11.2015. Again mechanically the disciplinary authority has mentioned that the second reply to the second show cause was received but was not found satisfactory.

C.W.J.C.No. 3718/2016

The appointment order dated 31.1.1991 is enclosed at Annexure 6. The petitioner comes under Extremely Backward Class Category. The charge memo is impugned at Annexure 10 bearing



Memo No. 104 dated 28.1.2015 and the petitioner has been charged with manipulating his Teachers Training qualification marks by reducing the total marks from 1500 to 1400, thus, gaining advantage in percentage to secure a higher position in the panel. The petitioner filed his reply vide Annexure 11 denying the charges and again refers to the stand taken by the State Government before this Court by filing their counter affidavit in C.W.J.C.No. 23198/2011. He has mentioned that the stand taken was that the petitioner was within the panel of 150 candidates and thus, the proceeding was illegal. He has also mentioned that the reduction of total marks is the mistake of the office for which the petitioner cannot be held responsible. The Enquiry Officer has exonerated the petitioner of the charges but the view has been rejected by the disciplinary authority to serve a second show cause on 27.10.2015 vide Annexure 12. The petitioner filed an application dated 9.11.2015 and prayed for supply of documents to file his reply to the second show cause but was not supplied the same. On the contrary, the disciplinary authority while passing the impugned order of termination bearing Memo No. 813 dated 14.11.2015 accepts filing of the show cause and its non-satisfactory nature. Apparently the order passed is mechanical.

C.W.J.C.No. 12542/2016

The appointment order is at Annexure 1 and is dated



31.1.1991. The petitioner comes under General Category. The charge memo is at Annexure 2 bearing Memo No. 82 dated 28.1.2015. The petitioner has been charged with manipulation of educational and Teachers Training qualification marks. The petitioner filed his reply to the charge vide Annexure 3 demanding the documents which were not supplied. Reminder was filed vide Annexure 4 and Annexure 4/1 which again was not responded. Vide Annexure 5 the disciplinary authority proceeded to change the Enquiry Officer for delaying the enquiry. The disciplinary authority yet not being satisfied and charging the second Enquiry Officer also with delay and conclusion, stopped his salary vide order dated 7.5.2016 placed at Annexure 6. In turn, the Enquiry Officer stopped the salary of the petitioner vide Annexure 7. Apparently both the orders of stoppage of salary is without jurisdiction. The enquiry was concluded in absence of the petitioner and without supply of documents. The petitioner though was served with the second show cause notice vide Annexure 8 but the enclosure in the envelop was addressed to one Hari Narayan Sharma and not the petitioner as enclosed at Annexure 9. Vide Annexure 9/1 the petitioner returned the notice as well as the enquiry report of Hari Narayan Sharma enclosed at Annexure 10. The disciplinary authority without bothering to correct the mistake has proceeded to terminate the services of the petitioner by the order vide



Memo No. 537 dated 11.7.2016 impugned at Annexure 11 mechanically upholding the allegations. According to the petitioner, neither the enquiry report nor the second show cause was received by the petitioner.

C.W.J.C.No. 13978/2016

The appointment letter dated 27.3.1991 is annexed at Annexure 5 to the writ petition and the petitioner comes under Economically Backward Class Category. The charge memo in Form-Ka is impugned at Annexure 18 bearing Memo No. 107 dated 28.1.2015 and the petitioner has been charged with manipulation of her Teachers Training qualification marks by reducing the total marks from 1500 to 1400 to gain advantage in percentage and to secure a position in the merit list. The petitioner filed her reply to the charge sheet which is appearing at running Page-115 of the proceedings. The petitioner denied the charges and has prayed for dropping the proceedings. The enquiry report is at Annexure 20 and the Enquiry Officer taking note of the stand taken by the respondents before this Court in C.W.J.C.No. 23198/2011 and C.W.J.C.No. 12048/2011 and on examination of the materials has exonerated the petitioner of all the charges. The petitioner was served with the second show cause notice vide Annexure 23 on 7.11.2015 and which has been responded to by the petitioner vide Annexure 24. The impugned order of termination



bearing Memo No. 20 dated 11.1.2016 is annexed at Annexure 25. The Regional Deputy Director of Education proceeding simply on the allegation and without taking note of the explanation given by the petitioner or the report of the Enquiry Officer has mechanically upheld the charges to terminate the service of the petitioner.

C.W.J.C.No. 19509/2015

The appointment order of this petitioner though not enclosed in the writ petition has been handed over during the course of hearing of the matter and is dated 31.1.1991 with the petitioner coming under General Category. Annexure 2 and Annexure 3 to the writ petition are Interview Call letter and the letter issued for production of certificates respectively which do confirm that the petitioner was part of the selection process. Annexure 7 is the charge memo bearing Memo No. 189 dated 18.2.2015 and charges the petitioner of obtaining appointment on the basis of forged Teachers Training marks. The evidence relied upon is the vigilance enquiry report, seniority list and the order of the Principal Secretary dated 19.12.2014. The petitioner filed his reply to the charge sheet vide Annexure 9 denying the charges. The petitioner was served with the second show cause notice and which is followed by the impugned termination order bearing Memo No. 3040 dated 15.10.2015 while upholding the charges.



C.W.J.C.No. 1048/2016

Annexure 4 is the appointment order dated 26.3.1991 and the petitioner comes under Economically Backward Class Category. The charge sheet is impugned at Annexure 8/A and the petitioner has been charged with manipulation of her marks in Matriculation as well as in Teachers Training to secure appointment. The charge sheet bears No. 191 and is dated 18.2.2015. The petitioner filed her reply denying the charges at Annexure 9 and also made request for supply of documents. Without providing the documents, that the enquiry report was submitted on 10.9.2015 vide Annexure 10. The enquiry report though reports irregularity in preparation of panel but there is no conclusive finding on the allegation against the petitioner. A second show cause was served vide Annexure 11 and which was duly replied by the petitioner vide Annexure 13 denying the allegation. Not being satisfied that the termination order is passed which is impugned at Annexure 1/A upholding the allegations. The termination order bears Memo No. 3043 dated 15.10.2015.

C.W.J.C.No. 19653/2015

The appointment order dated 16.5.1991 has been enclosed at Annexure 4 to the writ petition and the petitioner comes under Economically Backward Class Category. The charge memo is impugned at Annexure 9 and bears Memo No. 84 dated 28.1.2015.



The petitioner has been charged with manipulating his Teachers Training qualification marks by reducing the total marks from 1500 to 1400 to derive better percentage. According to the charge memo, the petitioner should have been listed at serial no. 292 of the merit list and not at serial no. 96. The evidence discussed in the charge memo is the vigilance report and the seniority list. The petitioner filed his reply to the charge vide Annexure 10. The enquiry report was submitted exonerating the petitioner of the charges. A second show cause was served vide Annexure 11 on 3.11.2015 mechanically reiterating the allegation and which was duly replied by the petitioner vide Annexure 12. The disciplinary authority without dealing with the explanation and opinion of the Enquiry Officer has mechanically rejected the reply to uphold the charge and terminate the service of the petitioner vide order bearing Memo No. 838 dated 4.12.2015 impugned at Annexure 13 to the writ petition.

C.W.J.C.No. 3813/2016

The appointment letter dated 30.11.1991 of the petitioner is at Annexure 6 to the writ petition and the petitioner comes under General Category. The charge memo is at Annexure 12 series at Page-69 and charges the petitioner of manipulating his Teachers Training marks. The evidence relied upon is the vigilance report and the seniority list. The charge memo bears Memo No. 100 dated



28.1.2015. The petitioner replied to the charge memo vide Annexure 13 series at Page-76 pointing out that the extract of vigilance report enclosed with the charge memo did not contain his name. He also mentioned that any discrepancy in the merit list is attributable to the office and not the petitioner. The petitioner demanded documents relied upon by the Department but was not provided with the same. The petitioner again vide Annexure 14 demanded the documents which was not supplied. The petitioner was served with the second show cause notice vide Annexure 15 but without service of the enquiry report, which was obtained by the petitioner by applying under the Right to Information Act. A copy of the enquiry report has been placed on record at Page-92 vide Annexure 19 series and which exonerates the petitioner of the charges. In fact the Enquiry Officer has specifically mentioned that the vigilance has not confirmed any charge against the petitioner. The petitioner on his part replied to the second show cause vide Annexure 16 clarifying the position in reference to the enquiry report and the report of the vigilance but the disciplinary authority has proceeded to mechanically reject the explanation and pass the termination order upholding the charges vide order bearing Memo No. 817 dated 21.11.2015 impugned at Annexure 17 to the writ petition.

C.W.J.C.No. 10784/2016



The appointment order of the petitioner dated 31.1.1991 is enclosed at Annexure 2 to the writ petition and the petitioner comes under General Category. The charge memo is impugned at Annexure 12 at Page-51 and bears Memo No. 91 dated 28.1.2015. The petitioner has been charged with manipulating his Teachers Training marks to gain advantage in the merit list. The enquiry report is at Annexure 13 and exonerates the petitioner of the charges. The petitioner was served with the second show cause vide Annexure 15 dated 30.10.2015 and which was replied by the petitioner vide Annexure 16 exhaustively dealing with the matter. The disciplinary authority has without dealing with the enquiry report or explanation given by the petitioner, proceeded to terminate his services while upholding the charge vide order bearing Memo No. 14 dated 11.1.2016. Annexure 7 is an application filed by the petitioner seeking documents in respect of his appointment and which has been replied to by the Regional Deputy Director of Education vide Annexure 8 in which he has stated that no document is available in the office. The reply dated 25.9.2012 is under the signature of the Regional Deputy Director of Education who is the author of the order of termination. This single instance would demonstrate that the allegation is based on no evidence.

C.W.J.C.No. 11069/2016

The appointment order though not enclosed in the writ



petition has been handed over during the course of hearing and is dated 26.3.1991. The petitioner comes under General Category. The three-Member Committee constituted by the Director, Primary Education following the order of this Court dated 24.2.2014 is placed at Annexure 9 and the Committee very fairly has admitted that the issue is more than two decades old and there is neither any application of the applicant available in the office nor the documents relating to educational and Training qualification are available. The three-Member Committee headed by the Regional Deputy Director of Education as its Chairman, even while admitting such position, the Regional Deputy Director of Education, yet proceeds to issue termination order. The three-Member Committee report is enclosed at Annexure 9 to the writ petition. Annexure 10 is the direction issued by the Principal Secretary, Education Department dated 19.12.2014 issued in the light of the orders passed by this Court in C.W.J.C.No. 8924/2001 and C.W.J.C.No. 10212/2001 and the operative portion of the order directs the Regional Deputy Director of Education to initiate proceedings for termination of the services of teachers by following the Rules. The third important document is Annexure 18, which is the admission of the Regional Deputy Director of Education that he has initiated proceedings against the teachers for their dismissal in the light of the directions issued by the Principal Secretary in his order



dated 19.12.2014. The documents present at Annexures 9, 10 and 18 of this writ petition is by itself sufficient to confirm that the entire proceeding was an eye wash and that it was curtains for the petitioners.

The charge framed against the petitioner is impugned at Annexure 11 to the writ petition and the allegation against the petitioner is that on the basis of his marks he should have been at serial no. 601. The reliance for such allegation is on the vigilance enquiry report and the seniority list. The petitioner vide Annexure 12 demanded documents which forms the basis for such allegation. He has also referred to the advisory of the Special Director dated 11.12.1990, a copy of which is present at running Page-48 to submit that a decision was taken to go down the list in case of insufficient number of candidates available for the post. The enquiry report has been placed at Annexure 13 and exonerates the petitioner of the charges. The Enquiry Officer has also referred to the stand taken by the Government before this Court while filing the counter affidavit in C.W.J.C.No. 23198/2011 and C.W.J.C.No. 12048/2011. A copy of one such affidavit is enclosed at Annexure 24 and the stand taken by the respondents before this Court is found at paragraph 3, 4(iv) of the affidavit. Notwithstanding the position that a second show cause was served vide Annexure 14 ignoring the Enquiry Officer's report. The



petitioner filed his reply vide Annexure 15 but met with the impugned order of termination bearing Memo No. 18 dated 11.1.2016 impugned at Annexure 16.

C.W.J.C.No. 11035/2016

The appointment order dated 31.1.1991 is at Annexure 1 to the writ petition and the petitioner comes under Handicapped Category. The three-Member Committee report at Page-74 points out infirmity regarding calculation of percentage in the Teachers Training Examination as against 1400 marks in place of 1500 marks. According to the report, the petitioner should have been at serial no. 1205 in place of 184. The petitioner at paragraph 28 of the writ petition has named 21 teachers who despite the same discrepancy, have been allowed to continue on respective post. Annexure 15 is the charge memo drawn on the lines of the report of the three-Member Committee and which was duly replied by the petitioner vide Annexure 16. The enquiry report at Annexure 17 exonerates the petitioner despite the position. The second show cause at Annexure 18 reiterates the charges. The petitioner filed his exhaustive reply at Annexure 19 together with examples. The Regional Deputy Director of Education mechanically and without taking notice of the findings of the Enquiry Officer or explanation given by the petitioner has proceeded to order for termination of the petitioner vide order bearing



Memo No. 21 dated 11.1.2016 which is impugned at Annexure 20 to the writ petition.

C.W.J.C.No. 11953/2016

The appointment order dated 31.1.1991 has been enclosed at Annexure 5 to the writ petition and the petitioner comes under General Category. The charge memo is impugned at Annexure 8 bearing Memo No. 90 dated 28.1.2015 and the petitioner has been charged with interpolating his Matric qualification marks and Teachers Training qualification marks to gain advantage in the merit panel. The charge sheet relies upon the vigilance investigation report and the seniority list. The petitioner replied to the charge vide Annexure 9 denying the charge as baseless. The petitioner was served with the second show cause notice dated 7.5.2016 impugned at Annexure 10 and vide Annexure 13 to I..A.No, 8822/2016 the service of the petitioner has been terminated while rejecting the explanation. A prayer is made to question the termination order at Annexure 13 of I.A.No. 8822/2016 which is accordingly allowed.

C.W.J.C.No. 12223/2016

While Annexure 1 and 1/1 to the writ petition are Interview Call letters and the letter for production of documents, Annexure 2 is the appointment letter dated 31.1.1991. The initiation of the proceedings and the charge memo are impugned at Annexures 4 and



4/1 respectively and the petitioner has been charged with interpolation of his educational qualification marks and the Teachers Training qualification marks to gain advantage in the merit list for securing appointment. The reliance in support of the allegation is placed on the vigilance report and the sonority list. The petitioner filed his reply to the charge vide Annexure 5 requesting for documents which were not supplied. Vide Annexure 6 and 6/1 reminders were given but to no effect. The Enquiry Officer informed the Regional Deputy Director of Education regarding delay in submission of the enquiry report vide Annexure 8 dated 28.8.2015 and which led to his removal by the Regional Deputy Director of Education vide order dated 31.12.2015 present at Annexure 7. Since the whole enquiry was based on no evidence, hence the change made no difference and even the new Enquiry Officer could not submit his report which led to the stoppage of his salary by the Regional Deputy Director of Education vide order dated 7.5.2016 placed at Annexure 9. In turn, the Enquiry Officer stopped the salary of the petitioner vide order placed at Annexure 10. Apparently both the orders of stoppage of salary are illegal and without jurisdiction. The manner in which the enquiry has been conducted would be manifest from the show cause served on the petitioner alongwith the enquiry report present at Annexures 11, 12 and 13 which is in respect of Tribhuwan Pandey. The petitioner vide



letter dated 11.7.2016 returned the enquiry report pointing the infirmity, a copy of which is present at Annexure 12/1 and the Regional Deputy Director of Education without rectifying the error has proceeded to order for termination of the petitioner vide order bearing Memo No. 538 dated 11.7.2016 impugned at Annexure 14 observing that the petitioner has failed to file his reply to the second show cause. It is the grievance of the petitioner that the impugned order is resting on no evidence and has been passed without supply of the enquiry report and without service of a second show cause notice.

C.W.J.C.No. 3921/2016

The appointment order dated 31.1.1991 of the petitioner is enclosed at Annexure 3 and he comes under General Category. The charge sheet is at Annexure 8 and charges the petitioner of interpolating his educational qualification marks and Teachers Training qualification marks to gain advantage in the merit list. The documents relied upon by the Regional Deputy Director of Education to support the charge is the vigilance report and the seniority list. The petitioner filed his reply to the allegation vide Annexure 9 denying the charges. The enquiry report is enclosed at Annexure 10 and exonerates the petitioner of the allegations. The petitioner was served with the second show cause notice vide Annexure 11 on 30.11.2015 and which has been duly replied exhaustively by the petitioner vide



Annexure 12. The order of termination bearing Memo No. 17 dated 11.1.2016 is impugned at Annexure 13 to the writ petition.

C.W.J.C.No. 4004/2016

The appointment order dated 31.1.1991 is enclosed at Annexure 3 and the petitioner comes under Extremely Backward Class Category. The charge memo dated 28.1.2015 is impugned at Annexure 11 and the petitioner has been charged with manipulating the total marks in the Teachers Training Examination by reducing it to 1400 from 1500 so as to gain advantage in percentage and to secure appointment. The enquiry report is on record at Annexure 13 and exonerates the petitioner of the charges in reference to the materials as well as the stand of the respondents in the affidavit filed before this Court. The petitioner was served with the second show cause notice vide Annexure 14 on 17.11.2015 and which was replied by him vide Annexure 15 and which is followed by the termination order bearing Memo No. 19 dated 11.1.2016 without noticing the finding of the Enquiry Officer or the explanation of the petitioner.

C.W.J.C.No. 4320/2016

The appointment order dated 31.1.1991 is at Annexure 3 to the writ petition and the petitioner comes under Backward Category. The charge memo bearing Memo No. 80 dated 28.1.2015 is impugned at Annexure 11 and the charge against the petitioner is of interpolating



his educational qualification marks and the Teachers Training qualification marks for securing a position in the merit list. The charge sheet relies upon the report of the vigilance and the seniority list in support. The petitioner filed his reply vide Annexure 12 denying the allegations as based on no evidence. The petitioner also filed documents in support of his contentions on 20.8.2015 which again forms part of Annexure 12. The enquiry report is at Annexure 13 and the petitioner has been exonerated from the charges. The Regional Deputy Director of Education without assigning reasons for disagreement simply issued a second show cause notice reiterating the allegations on 7.11.2015 vide Annexure 14. The petitioner filed an exhaustive reply vide Annexure 15. The Regional Deputy Director of Education rejecting the finding of the Enquiry Officer as well as explanation of the petitioner has mechanically issued order of termination bearing Memo No. 15 dated 11.1.2016 impugned at Annexure 16 to the writ petition.

C.W.J.C.No. 3850/2016

The appointment order dated 31.1.1991 is at Annexure 3 and the petitioner comes under Backward Category. The charge memo is impugned at Annexure 9 bearing Memo No. 102 dated 28.1.2015 and the petitioner has been charged with calculating his percentage in Teachers Training qualification as against total marks of 1400 in place



of 1500, thus, improving his percentage to secure position in the merit list. The reliance in support of the allegation is placed on the vigilance report and the seniority list. The petitioner filed his reply vide Annexure 10. The enquiry report though not supplied, has been obtained by the petitioner at Annexure 11 and which exonerates the petitioner of all the charges. The Regional Deputy Director of Education not being satisfied served a second show cause notice on 7.11.2015 vide Annexure 12 and which has been replied to by the petitioner vide Annexure 13 and which is followed by the termination order bearing Memo No. 22 dated 11.1.2016 impugned at Annexure 14.

C.W.J.C.No. 3860/2016

The appointment order dated 26.3.1991 is at Annexure 3. The charge memo bearing No. 103 dated 28.1.2015 is at Annexure 9 and charges the petitioner by reducing the marks in Teachers Training Examination from 1500 to 1400 so as to draw advantage in percentage for securing a higher position in the merit list. Reliance is placed on the vigilance report and the seniority list. The petitioner filed his reply to the allegation vide Annexure 10 denying the charges. The enquiry report is at Annexure 11 exonerating the petitioner of the charges. Second show cause notice dated 7.11.2015 is at Annexure 12. Reply of the petitioner to the second show cause notice is at Annexure 13



and the impugned order bearing Memo No. 16 dated 11.1.2016 is at Annexure 14.

C.W.J.C.No. 4061/2016

The appointment order dated 31.1.1991 is at Annexure 3 to the writ petition and the petitioner comes under Backward Category. The charge memo bearing No. 79 dated 28.1.2015 is impugned at Annexure 10 and charges the petitioner of interpolating his marks in the Teachers Training Examination to seek higher position in the merit list. The petitioner filed his reply to the charges vide Annexure 11 denying all the allegations. The petitioner has also filed the relevant documents in support of his stand which also forms part of Annexure 11. The enquiry report is at Annexure 12 and exonerates the petitioner of the allegations. The disciplinary authority not being satisfied has served a second show cause notice on 7.11.2015 vide Annexure 13 and which has been duly replied by the petitioner vide Annexure 14 but not being satisfied that the order of termination bearing Memo No. 13 dated 11.1.2016 has been passed by the Regional Deputy Director of Education without taking notice of the enquiry report or the explanation.

C.W.J.C.No. 18888/2015

This writ petition was filed questioning the second show cause but during the pendency of the matter, the termination order has



been passed which has been impugned at Annexure 15 to I.A.No. 9763/2015 together with the prayer seeking leave to question the same which is accordingly allowed.

Annexure 5 is the appointment order dated 31.1.1991 and the petitioner comes under Backward Category. Annexure 9 is the charge sheet bearing Memo No. 95 dated 28.1.20015 and the allegation against the petitioner is of manipulating her marks in the Teachers Training qualification to read as 1402 in place of 682, thus, gaining advantage of 720 marks. Reliance is on the vigilance report and the seniority list. The petitioner filed her reply to the charge sheet explaining the position. It has been mentioned that she has secured 466 out of 700 in Matric. Her total marks in the Teachers Training is 1402 out of 2000. She has clarified that although she has mentioned 682 marks obtained by her in Theory papers but by mistake the marks obtained in Practical Examination which is 720 was not mentioned and which has led to confusion. She has clarified that her total marks is 1402 and there is no interpolation in the same. The petitioner had also enclosed her mark sheet alongwith the reply. The petitioner also gave another fresh copy of mark sheet on 22.7.2015 vide Annexure 11. The enquiry report is at Annexure 12 and the Enquiry Officer has accepted the explanation to exonerate her from all the allegations. The Regional Deputy Director of Education has mechanically proceeded



to issue a second show cause notice on 30.10.2015 vide Annexure 13. The petitioner again has clarified the position vide Annexure 14 to the interlocutory application but the Regional Deputy Director of Education has blindly proceeded to terminate her services vide order bearing Memo No. 816 dated 21.11.2015 impugned at Annexure 15.

Although Mr. Rajendra Prasad Singh, Senior Advocate, Mr. Chitranjan Sinha, Senior Advocate, Mr. Tej Bahadur Singh, Senior Advocate, Mr. Bindhyachal Singh, Advocate, Mr. S.B.K. Mangalam, Advocate, Mr. Jeetendra Narayan, Advocate, Mr. Abhinav Srivastava, Advocate, Mr. Bajrangilal, Advocate and other advocates on records, have addressed the Court on behalf of the petitioners but the main arguments have been led by Mr. Bindhyachal Singh with other learned counsel supplementing the same. The respondent State is represented by the learned State Counsel.

The sum and substance of the argument of the learned counsel for the petitioners is that in most of the cases the Enquiry Officer has exonerated the petitioners of the allegation and yet the respondent Regional Deputy Director of Education without issuing a disagreement Note has mechanically passed the orders of termination, which are non-speaking and without application of mind because it does not discuss the explanation given by the petitioners in their respective replies. Mr. Mangalam, learned counsel appearing on



behalf of the petitioners in C.W.J.C.Nos. 12542/2016 and 12223/2016 has submitted that in the case of these petitioners the matter is even worse because alongwith the second show cause these petitioners were supplied with the enquiry report relating to other persons and even when the defect was pointed out by these petitioners, yet the Regional Deputy Director of Education in his hurriedness has not bothered to rectify the defect, rather has proceeded to pass the order of termination. Mr. Rajendra Prasad Singh, learned Senior Counsel, appearing for the petitioners in C.W.J.C.Nos. 19509/2015 and 11953/2016 has stated that in these cases the orders have been passed without supply of the necessary documents relied upon by the department to impose extreme penalty. It is collectively argued by the learned counsel for the petitioners that the proceedings have been held dehors the provisions underlying the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Disciplinary Rules') and even though an enquiry was directed by a Bench of this Court into the initial appointment and while in most of the cases the petitioners have been exonerated and despite the fact that these petitioners are continuing on their respective post since 1991, i.e. a period of 35 years or more, coupled with the fact that the vigilance enquiry report in so far as these petitioners are concerned, do not pin point any serious illegality rendering their



initial appointment void, yet for a mere irregularity here and there in context with the appointment of these petitioners that a mechanical termination order has been passed which is bereft of reasons.

The arguments of the learned counsel for the petitioners have been contested by the learned counsel for the State to submit that it is under the orders of this Court that a vigilance case was registered, a report submitted and the Principal Secretary of the Department in consideration of the report directed the competent authority to enquire into the allegations relating to the appointment of these petitioners and which upon being found correct, that the order of termination has been passed with due opportunity of representation to all the petitioners. It is the argument of the learned counsel for the State that a mere continuation of the petitioners on their respective post would not create any right in the petitioners if their initial appointment is found to be void. It is the argument of the learned State Counsel appearing in respect of the cases that since the entire matter has been enquired threadbare and a conclusion has been reached on the initial appointment of the petitioners, it does not require any interference.

I have heard learned counsel for the parties and have perused the records.

The records of the proceedings in this batch of cases would reveal that in all the cases except C.W.J.C.Nos. 12542/2016,



19509/2015, 11953/2016 and 12223/2016 the enquiry report is on record and exonerates the petitioners in these writ petitions. The records would further reveal that save and except the report of the Vigilance Investigation Bureau, there is no other evidence on record as to the alleged culpability of the petitioners. Though the Vigilance has indeed pointed out certain irregularities as regarding marks entered in the merit list but then the Enquiry Officer in almost all the cases has attributed the mistake to the responsibility of the officer concerned preparing the merit list and not the petitioners. In fact it is in this view of the matter that when these petitioners did ask for the documents supporting the allegation facing each of them, none of them have been supplied with the documents, rather it is simply on the basis of the allegation that the termination order is passed. The mechanical manner in which the whole proceeding has been conducted is manifest from the very direction of the Principal Secretary dated 19.12.2014, which is Annexure 9 to C.W.J.C.No. 3908 of 2016 and the Principal Secretary instead of leaving it open for the Regional Deputy Director of Education, Saran Division, Chapra to take appropriate decision in consideration of the default noticed in each case individually, has sweepingly issued directions for termination of services of the petitioners by following the procedure provided under 'the Disciplinary Rules'.



Learned counsel for the petitioners are thus, not off target when they submit that the entire proceedings is a post decisional exercise and an eye wash because a direction had already been issued at the level of the Principal Secretary for termination of services of the petitioners and the only thing remained was to follow the procedure underlying 'the Disciplinary Rules'. A plain reading of the orders of termination passed in each of this batch of cases would confirm that the learned counsel for the petitioners are absolutely correct for there is no discussion at all by the Regional Deputy Director of Education on the defence set up by the respective petitioners nor there is any discussion as to why he has chosen to differ with the opinion of the Enquiry Officer where Enquiry Officer has chosen to exonerate the petitioner concerned, of the allegations.

Some uncontested facts that exists in the present batch of cases is that these petitioners were appointed as back as in the year 1991 and save and except that their appointment came to be questioned by two gentlemen, namely, Bhagwan Singh and Kashinath Singh in C.W.J.C.No. 8942/2001 and C.W.J.C.No. 10212/2001 respectively claiming appointment on the post by alleging irregularities in the selection process and that also after a decade of appointment, there was no other challenge to the appointments by any of the candidates. The other uncontested position is that in all these



cases, the allegation made is regarding interpolation of marks in the panel so prepared.

There can be no contest on the issue that a preparation of panel cannot be attributed to any of the petitioners, rather it is to be done by the department and thus, any form of irregularity whatsoever, even if committed by the person incharge of preparation of the panel, could not be attributed to these petitioners. The other aspect of the matter is that even if the alleged act of interpolation of marks by the person concerned in the preparation of panel may have deprived the other candidates of their chances of selection but until such time that there was a challenge to such effect at the proper time, it would be a debatable issue whether any of them should have been granted liberty to question the selection process almost a decade after the appointment. It is a different matter that the two gentlemen namely Bhagwan Singh and Kashinath Singh though managed to reopen an otherwise concluded proceedings after a decade but they could obtain no relief for themselves either before the learned Single Judge or in appeal before the Division Bench in LPA No. 964/2013 and LPA No. 254/2014.

While observing as such I am also conscious of the legal position that a void appointment cannot be justified merely because none posed a challenge or a delay in raising such challenge but in so



far as the present set of cases are concerned, they do not fall in such category. The objection is primarily on inter party merits and whether anybody better than the petitioner could have been appointed but then such issue could have been entered into only if, any challenge would have been made to the appointment at the appropriate stage. I would be reserving my opinion whether or not the issue raised by the two gentlemen Bhagwan Singh and Kashinath Singh claiming appointment on the post, inter alia, on grounds that candidates with lesser qualification than them, had been appointed, should have been entertained after a lapse of a decade but then there is already a direction of this Court and a vigilance enquiry has been held. I shall thus not express any opinion on the merits of the directions.

The situation as it presently exists is that even though some kind of irregularity is pointed out by the Vigilance in so far as the preparation of the panel is concerned but in so far as these set of petitioners are concerned, the details given by me hereinabove would demonstrate that in almost all the cases, except few, the enquiry report is in favour of the petitioner concerned. The mechanical manner in which the proceeding has been conducted is evident from the fact that the orders of termination passed in the case of the petitioners in C.W.J.C.Nos. 12542/2016 and 12223/2016, is without supply of the enquiry report. I have already discussed that the enquiry report



accompanying the second show cause notice to the petitioner Tribhuwan Pandey related to one Hari Narayan Sharma and in so far as the petitioner Rajendra Singh in C.W.J.C.No. 12223/2016 is concerned, it related to Tribhuwan Pandey. It is also the case of these petitioners and not contested that even though this error was pointed out but the Regional Deputy Director of Education in his hurriedness did not chose to rectify the error.

Summarizing the matter in contest, in my opinion the proceedings held in the case of the petitioners in this batch of writ petitions suffers from a number of procedural infirmities, which are de hors the provisions underlying 'the Disciplinary Rules' and against the principles of natural justice. Apart from the statutory violations the orders impugned in this batch of writ petitions is also not sustainable on grounds of absence of reasons accompanying termination as well as the failure on the part of the Regional Deputy Director of Education to take notice of the enquiry report as well as the defence set up by each of the petitioners. The Regional Deputy Director of Education has failed to apply his mind as to whether the irregularity complained of, is of such nature which would render the very appointment void from its inception or the irregularity so pointed out is of a condonable nature.

In my opinion, all these writ petitions are fit to be allowed



for the following reasons:

(i) The Vigilance report which is the foundation for the exercise should have been individually examined and not applied blindly.

(ii) The order of the Principal Secretary, Education Department, as contained in his letter dated 19.12.2014 addressed to the Regional Deputy Director of Education when it directs him to initiate action for termination of the services of the teachers by following the procedure provided under 'the Disciplinary Rules', leaves no discretion at the hands of the Regional Deputy Director of Education to examine the merits of the claim. The direction is in the teeth of the judicial pronouncement of the Supreme Court rendered in the case of **Purtappur Sugar Comp. Ltd. v. Cane Commissioner of Bihar & ors.**, since reported in AIR 1970 SC 1896.

(iii) The order of termination impugned in the writ petitions is in violation of the procedure underlying Rules 17 and 18 of 'the Disciplinary Rules' which, inter alia, casts certain obligation on the disciplinary authority which are mandatorily required to be followed after receipt of an enquiry report and before imposing a major penalty. The Regional Deputy Director of Education has failed to follow the procedure provided under 'the Disciplinary Rules'. The orders passed are thus in utter disregard of the lawful procedure.



(iv) The orders are unsustainable because even when in most of the cases the enquiry report is in favour of the petitioners, yet no disagreement note has been issued by the disciplinary authority i.e. the Regional Deputy Director of Education which invalidates the termination order. In few of the cases even the copy of the enquiry report has not been supplied as already indicated above and despite attention being drawn of the Regional Deputy Director of Education, he has not bothered to correct the mistake.

(v) All these petitioners are working since 1991 when the selection was carried out and there was no challenge to their appointment by any of the contesting applicants except two namely Bhagwan Singh and Kashinath Singh and whose claim for appointment has not been upheld by this Court. The report of the vigilance in so far as these petitioners are concerned, prima facie does not reflect any invalidity in their appointment.

(vi) There is no evidence on record to confront the stand of the petitioners that they had no role in preparation of the panel.

(vii) The order of termination impugned in this batch of writ petitions neither discusses the defence set up by the respective petitioners, the explanation given by them nor discusses the evidence allegedly connecting these petitioners to the charge. In other words, the order of termination is without reasons, rather is passed in



mechanical obedience of the directions of the Principal Secretary.

(viii) It is rather unfortunate that even though the Supreme Court has been repeatedly reminding the executive authorities of their duty to assign reasons while adjudicating on inter-party rights but the wisdom does not reflect in the actions that follow. Reference in this regard is made to the judgment of the Supreme Court rendered in the case of **Kranti Associates Private Limited & anor. v. Masood Ahmed Khan & ors.**, since reported in (2010)9 SCC 496, wherein the Supreme Court while discussing on the obligation of an authority discharging quasi judicial functions in paragraphs 14 to 46 has summarized the position in paragraph 47, which reads as follows:

"47. Summarizing the above discussion, this Court holds:

- (a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.
- (b) A quasi-judicial authority must record reasons in support of its conclusions.
- (c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.
- (d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.



- (e) Reasons reassure that discretion has been exercised by the decision- maker on relevant grounds and by disregarding extraneous consideration.
- (f) Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.
- (g) Reasons facilitate the process of judicial review by superior courts.
- (h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision- making justifying the principle that reason is the soul of justice.
- (i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.
- (j) Insistence on reason is a requirement for both judicial accountability and transparency.
- (k) If a judge or a quasi-judicial authority is not



candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

- (l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.
- (m) It cannot be doubted that transparency is the since qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See: David Shapiro in Defence of Judicial Condor, 32(1987)100 Harvard Law Review 731-37)
- (n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strashourg Jurisprudence. See Ruiz Torija v. Spain EHRR, at 562 para 29 and Anya v. University of Oxford, wherein the Court referred to Article 6 of the European Convention of Human Rights which required, "adequate and intelligent reasons must be given for judicial decision".



(o) In all common law jurisdiction judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".

(ix) The report of the three-Member Committee dated 24.2.2014 constituted by the Director, Primary Education under the orders of this Court is on record at Annexure 9 to C.W.J.C.No. 11069/2016 and the three-Member Committee which includes the Regional Deputy Director of Education, Saran Division, Chapra acknowledges the fact that the issue raised dates back more than two decades and neither the application of any applicant is available nor the educational certificates of the candidates is available, rather the Vigilance has enquired into the matter on the basis of certificates produced by the teachers themselves. The only irregularity which has been mentioned by the three-Member Committee is that the preparation of the merit list suffered from several irregularities.

(x) Considering that these petitioners have continued on their respective post for more than 35 years with nothing substantive on record to render their appointment void, any irregularity pointed out by the vigilance bordering on inter party merit, required an examination by the authority concerned with a pragmatic approach



and not in the mechanical and arbitrary manner as reflecting from the proceedings accompanying the present batch of cases.

(xi) The orders are simply resting on the allegations as found in the vigilance report or in the charge memo issued without any supporting evidence. In other words, except for the allegation there is no supporting evidence to support the charge and thus, the conclusion is based on no evidence.

For the reasons and discussions aforementioned, I am unable to uphold the order of termination passed in the case of the petitioners. As a consequence, the orders of termination (i) bearing Memo No. 810 dated 14.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 19) in C.W.J.C.No. 2874/2016; (ii) bearing Memo No. 12 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 16) in C.W.J.C.No. 3908/2016; (iii) bearing Memo No. 818 dated 21.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 17) in C.W.J.C.No. 3230/2016; (iv) bearing Memo No. 829 dated 26.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 17) in C.W.J.C.No. 2808/2016; (v) bearing Memo No. 814 dated 14.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 15) in C.W.J.C.No.



2800/2016; (vi) bearing Memo No. 828 dated 26.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 15) in C.W.J.C.No. 2487/2016; (vii) bearing Memo No. 839 dated 4.12.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 13) in C.W.J.C.No. 1622/2016; (viii) bearing Memo No. 812 dated 14.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 14) in C.W.J.C.No. 2898/2016; (ix) bearing Memo No. 811 dated 14.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 13) in C.W.J.C.No. 3732/2016; (x) bearing Memo No. 813 dated 14.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 14) in C.W.J.C.No. 3718/2016; (xi) bearing Memo No. 537 dated 11.7.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 11) in C.W.J.C.No. 12542/2016; (xii) bearing Memo No. 20 dated 11.01.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 25) in C.W.J.C.No. 13978/2016; (xxiii) bearing Memo No. 3040 dated 15.10.2015 passed by the Regional Deputy Director of Education, Patna Division, Patna (Annexure 1/A) in C.W.J.C.No. 19509/2015; (xiv) bearing Memo No. 3043 dated 15.10.2015 passed by the Regional Deputy Director of Education, Patna Division, Patna



(Annexure 1/A) in C.W.J.C.No. 1048/2016; (xv) bearing Memo No. 838 dated 4.12.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 13) in C.W.J.C.No. 19653/2015; (xvi) bearing Memo No. 817 dated 21.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 17) in C.W.J.C.No. 3813/2016; (xvii) bearing Memo No. 14 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 17) in C.W.J.C.No. 10784/2016; (xviii) bearing Memo No. 18 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 16) in C.W.J.C.No. 11069/2016; (xix) bearing Memo No. 21 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 20) in C.W.J.C.No. 11035/2016; (xx) bearing Memo No. 477 dated 21.6.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 13) in C.W.J.C.No. 11953/2016; (xxi) bearing Memo No. 538 dated 11.7.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 14) in C.W.J.C.No. 12223/2016; (xxii) bearing Memo No. 17 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 13) in C.W.J.C.No. 3921/2016; (xxiii) bearing Memo No. 19 dated 11.1.2016 passed by the Regional Deputy Director of



Education, Saran Division, Chapra (Annexure 16) in C.W.J.C.No. 4004/2016; (xxiv) bearing Memo No. 15 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 16) in C.W.J.C.No. 4320/2016; (xxv) bearing Memo No. 22 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 14) in C.W.J.C.No. 3850/2016; (xxvi) bearing Memo No. 16 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 14) in C.W.J.C.No. 3860/2016; (xxvii) bearing Memo No. 13 dated 11.1.2016 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 15) in C.W.J.C.No. 4061/2016; (xxviii) bearing Memo No. 816 dated 21.11.2015 passed by the Regional Deputy Director of Education, Saran Division, Chapra (Annexure 15) in C.W.J.C.No. 18888/2015; cannot be upheld and are accordingly quashed and set aside. The petitioners are restored to their respective posts with consequential benefits.

The writ petitions are accordingly allowed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	AFR
CAV DATE	10.01.2017
Uploading Date	04.05.2017
Transmission Date	NA

