

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17904 of 2016

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Shanti Kumari, Wife of Sri Birendra Prasad Singh, resident of Village Bakhtiyarpur, P.S. Bakhtiyarpur and District Patna, presently posted in Government Girls Middle School, Aurangabad District Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Secondary Education, New Secretariat, Patna, Bihar.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director, Magadh Division, Gaya.
4. The District Education Officer, Aurangabad.
5. The District Programme Officer Establishment, Aurangabad.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 14724 of 2016

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Usha Kumari, Wife of Tarkeshwar Nath, Resident of Dharampur Niwas, Indrapuri Road No. 1, P.O. Kesri Nagar, P.S. Patliputra, Patna 24, at Present Flat No. 102, R.K.S. Complex/Gangotri Arcade, L.C.T. Ghat, Near Mahabir Vatsalya, P.S. Patliputra, District Patna 800001

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development Department, (Now Education Department), Government of Bihar, Patna
2. The Director (Administration), Department of Human Resources Development Department, (Now Education Department), Government of Bihar, Patna
3. The Director (Secondary Education), Department of Human Resources Development Department, (Now Education Department), Government of Bihar, Patna
4. The Regional Deputy Director of Education, Patna Division, Patna

.... Respondents

with

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Civil Writ Jurisdiction Case No. 17495 of 2016

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Kiran Kumari W/o of Shri Sunil Kumar R/o at B-25 ,Budha colony ,P.O.- G.P.O, P.S- Budha Colony ,Distt- Patna

.... Petitioner



Versus

1. The State of Bihar through the Primary Education Department, Government of Bihar, New Secretariat, Patna
2. Regional Deputy Director Education ,Patna Division,Patna.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 16996 of 2016

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Sarda Devi, W/o Shri Sanjay Paswan, R/o village Birwa Chack, Mehndiganj, P.O.+P.S. Guljarbagh, District Patna

.... Petitioner

Versus

1. The State of Bihar through the Primary Education Department, Government of Bihar, New Secretariat, Patna
2. Regional Deputy Director of Education, Patna Division, Patna

.... Respondents

with

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Civil Writ Jurisdiction Case No. 15713 of 2016

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1. Prema Kumari, wife of Shashi Kant Upadhyay, Bhabhua, Ward No. – 21, District - Kaimur, Pin code - 821101, at present working as Assistant Teacher in Rajkiya Kanya Middle School, Bhabhua, P.S. + District - Kaimur.
2. Usha Sinha, wife of Shri Achutanand Singh, resident of Chandwari Road (Kharidabad) South of Kendriya Vidyalaya Samastipur Pin Code - 848101, at present working as a Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Samastipur.
3. Pushplata Sinha, Wife of Sri Om Prakash Prasad, resident of mohalla - Bari Yusufpur near Pani Tanki Hajipur, District - Vaishali, Pin Code - 844101 at presently posted as Prabhari Pradhanadhyapika in Rajkiya Kanya Madhya Vidyalaya, Hajipur, District Vaishali.
4. Bibha Rani wife of Shri Rakesh Kumar Singh, Preofessor Colony, Aghoria Bazar Madhu Niketa (Near LNT College) Muzaffarpur, District - Muzaffarpur, at present working as Prabhari Pradhanadhyapika in Adhyaspathshala, Muzaffarpur.
5. Kamla Kumari, wife of Late Gulab Singh R/o Mohalla - Sonar Toli (Bhadwari Kuan) P.O. Sasaram, District - Rohtas (Bihar), Pin Code - 821115 at present working as a Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Sasaram.
6. Sudha Kumari Verma, wife of Shri Rabindra Nath Verma Hospital Road, Chandrawati Niwas, P.O. + P.S. + District - Siwan, Pin Code - 841226, at present working as Prabhari Pradhanadhyapika, Rajkiya Kanya Madhya Vidyalaya, Siwan.
7. Poonam Kumari, wife of Shri Onkar Kumar Prashanti Nilay, Srikrishnapuri, Ward No. - 5 Samastipur, Pin Code - 848107 at present working as Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Samastipur.
8. Veena Kumari Sinha, Wife of Shri Satish Chandra Sharma at Bhelura Rampur, Post - Nagwan, P.S. - Janipur, District - Patna, Pin Code - 801109 at present



- Working as a Assistant Teacher in Govt. Girls High School, Bhojpur, Arrah.
9. Rajni Kumari, wife of Vijay Kumar Singh, House No. B/12, Bankmens Colony, Chitragupta Nagar, Patna - 20, at present Working as a Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Hajipur, District - Vaishali.
 10. Pratibha Rai, wife of Shri Lakshmikant Dubey, Village - Jaso, P.O. + P.S. + District - Buxar, Pin Code - 802101, at present Working as a Assistant Teacher in Rajkiya D.K. Kanya Madhya Vidyalaya, Buxar.
 11. Kanak Lata, Wife of Shri Rakesh Ranjan Singh, Rose - Vale Oxbridge, Kotgust Chowki, Umashankar Lane, Gulzarbagh Patna City, Patna Pin Code - 800008 at present Working as a Assistant Teacher in B.N.R. Training College, Patna - 800007.
 12. Kanta Kumari, wife of Late Shambhu Prasad Chaudhary Ward No. - 21, Near Om Talkies, Bhirkhi, Madhepura, Pin Code - 852113 at present Working as a Assistant Teacher , Rajkiya Kanya Madhya Vidyalaya, Madhepura.
 13. Shobha Kumari, Daughter of Shri Vilash Ray B.N.R. Teacher Training College, Quarter Gulzarbagh, Patna - 7, at present Working as a Assistant Teacher, B.N.R. Training College, Gulzarbagh, Patna - 07.
 14. Ragini Dayal, wife of Late Murari Dayal Mohalla - Babuaganj, P.O. - Gulzarbagh, District - Patna - 800007, at present Working as a Assistant Teacher in Mahila Primary Teachers Training College, (Abhyapatshala) Forbesganj, District - Araria.
 15. Radha Devi, wife of Shri Fanindra Kumar Singh Bhaduria Bhawan, Gautam Nagar, Gangjala near West of Labour Office, Ward No. 11, District - Saharsa, Pin Code - 852201, at present Working as a Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Saharsa.
 16. Sudha Kumari, wife of Deonandan Prasad Church Gate, Purab Bazar, Saharsa, Pin Code - 852201, at present Working as a Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Saharsa.
 17. Kumari Mansa Sinha, wife of Kripashankar Singh Nai Basti Mahadeva, Siwan, Pin Code - 841226 at present Working as a Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Siwan.
 18. Meera Kumari Singh Wife of Late Indramani Singh At + P.O. - Murli Basantpur, P.S. - Bangaon, District - Saharsa, Pin Code - 850001, at present Working as Music Teacher, Rajkiya Kanya Madhya Vidyalaya, Saharsa.
 19. Shubhra Rani wife of Shri Avinash Kumar Srivastava Chetna near I.T.I. Thake Nageshwar Lane, Muzaffarpur, Pin Code - 842001, at present Working as a Assistant Teacher in Mahila Primary Teachers Training School-cum-Abhyaspathshala Rambag, Muzaffarpur.
 20. Ramesh Thakur son of Late Shri Chandra Thakur Chauthai Patti, Sapta, PO + District - Madhubani, Pin Code - 847211, at present Working as a Assistant Teacher in Rajkiya Kanya Madhya Vidyalaya, Madhubani.
 21. Mala Kumari wife of Dr. Balkrishna Mishra Jaldhari Chowk, P.O. + P.S. - Madhubani, Pin Code - 847211 at present Working as Incharge, Principal, Rajkiya Kanya Madhya Vidyalaya, Madhubani.
 22. Bansuri Acharya wife of Late Tridev Taran Mukherjee B.N.R. Road, Gulzarbagh, Patna - 800007, at present Working as Music Teacher, Rajkiya Kanya Madhya Vidyalaya, Hajipur.
 23. Sauda Khatun wife of Md. Ashfaque Alam Millat Nagar, Araria Ward No. 28, District - Araria, Pin Code - 854311, at present Working as a Assistant Teacher , Rajkiya Kanya Madhya Vidyalaya, Araria.
 24. Bimla Kumari Wife of Sri Shailendra Kumar House No. C/56 A.G. Colony, Ashianagar, Patna - 800025, at present Working as a Assistant Teacher in Govt.



Girls High School, Chapra (Saran).
25. Usha Kumari Wife of Sri Rajendra Prasad Janki Niwas, Shikshak Colony,
Agamkuan, Patna - 800007, at present Working as a Assistant Teacher in Govt.
Girls High School, Chapra (Saran).

.... Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education Patna Pramandal Patna.
5. The Regional Deputy Director of Education Darbhanga Pramandal Darbhanga.
6. The Regional Deputy Director of Education Koshi Pramandal Saharsa.
7. The Regional Deputy Director of Education Tirhut Pramandal, Muzaffarpur.
8. The Regional Deputy Director of Education Saran Pramandal, Chapra.
9. The Regional Deputy Director of Education Purnea Pramandal, Purnea.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 15726 of 2016

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Sanju Kumari Wife of Anil Kumar, Resident of village - Mozaffara, P.O. Bardih,
P.S. Islampur, District - Nalanda at Present Working as Assistant Teacher in
Rajkiya Kanya Madhya Vidyalaya, Kamruddin Ganj, Biharsharif, Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Secondary Education Government of Bihar, Patna
4. The Regional Deputy Director of Education Patna Pramandal Patna

.... Respondents

with

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Civil Writ Jurisdiction Case No. 15992 of 2016

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Kumari Girija Sinha, Wife of Sri Ramdeo Prasad, Resident of Mohalla- Mangala
Sthan, P.O.-Biharshariff, P.S.-Laheri, District-Nalanda, at Present Working as
Assistant Teacher in Rahkiya Kanya Madhya Vidyalaya, Kamruddin Ganj,
Biharsharif, Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Secondary Education, Government of Bihar, Patna



4. The Regional Deputy Director of Education, Patna Pramandal Patna

.... Respondents

with

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Civil Writ Jurisdiction Case No. 15778 of 2016

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Dr. Minni Kumari, Wife of Sri Sudhir Kumar, Resident of House No. 35, Road No.21, Rajiv Nagar, P.O. Keshri Nagar, P.S. Rajiv Nagar, District- Patna.

.... 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, Patna Division, Patna.
5. The Principal B.N.R. Training College, Gulzarbag, Patna.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 16385 of 2016

=====

Usha Kumari Sinha, Daughter of Kapildeo Sinha, Wife of Late Dhananjay Kumar Verma, Resident of 326-A, Nehru Nagar, Police Station- Patliputra, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Education Department , Government of Bihar, Patna
3. The Director, Secondary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Patna Division, Patna
5. The Headmistress, Government Girls High School, Boring Road, Patna, Situated near Dak Bunglow Chouraha, Bailey Road, Patna.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 20167 of 2016

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Rekha Kumari, Wife of Sri Vishwa Mohan Thakur, resident of Village:- Ramnagar Bishnupur, P.S.- Begusarai Town, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt.



- of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
 3. The Regional Deputy Director of Education, Munger, Division, Munger.
 4. The District Education Officer, Munger.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 16487 of 2016

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Sangita Pandey Wife of Umesh Ojha, resident of Mohalla-Ruidhasha, Police Station-Kishanganj, District-Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Secondary Education, Govt. of Bihar, Patna
3. The School Inspector-Cum-Deputy Director Education, Bihar Patna
4. The Regional Deputy Director Education, Purnia Division, Purnia
5. The District Education Officer, Kishanganj
6. The District Programme Officer, (Establishment), Kishanganj
7. The Block Education Officer, Kishanganj

.... Respondents

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Appearance :

(In CWJC No.17904 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Griyaghey

For the Respondent/s : Mr. Jai Prabhat Kishore, AC to SC13

(In CWJC No.14724 of 2016)

For the Petitioner/s : Mr. Harendra Prasad Singh

For the Respondent/s : Mr. Subhash Chandra Mishra- SC16

(In CWJC No.17495 of 2016)

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Respondent/s : Mr. Subhash Chandra Mishra- SC16

(In CWJC No.16996 of 2016)

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG15

(In CWJC No.15713 of 2016)

For the Petitioner/s : Mr. Bindhyachal Singh

Mr. Rama Kant Singh

For the Respondent/s : Mr. Madanjeet Singh-GP20

(In CWJC No.15726 of 2016)

For the Petitioner/s : Mr. Rama Kant Singh

For the Respondent/s : Mr. Kameshwar Kumar-GP17

(In CWJC No.15992 of 2016)

For the Petitioner/s : Mr. Rama Kant Singh

For the Respondent/s : Smt. Shilpa Singh- GA12



(In CWJC No.15778 of 2016)

For the Petitioner/s : Mr. S.B.K.Manglam
Mrs. Anita Kumari

For the Respondent/s : Mr. Madav Prasad Yadav-GP23
(In CWJC No.16385 of 2016)

For the Petitioner/s : Mr. Gyanand Roy
For the Respondent/s : Smt.Shilpa Singh-GA12

(In CWJC No.20167 of 2016)

For the Petitioner/s : Mr. Rajeev Lochan
For the Respondent/s : Mr. Kameshwar Kumar-GP17

(In CWJC No.20232 of 2016)

For the Petitioner/s : Mr. Rajeev Kumar Singh
For the Respondent/s : Smt.Shilpa Singh-GA12

(In CWJC No.16487 of 2016)

For the Petitioner/s : Mr. Radha Mohan Singh
For the Respondent/s : Mr. Kameshwar Kumar- GP17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date: 17-01-2017

Heard learned counsel for the petitioners and learned counsel for the State in this batch of writ petitions.

In each of the cases, it is following a C.B.I. enquiry into the appointments of the petitioners, pursuant to an order passed in C.W.J.C.No. 9470 of 1998, that a report was submitted by the Agency pointing out certain irregularities in the appointment of petitioners who hold the post of Assistant Teachers in different schools and since the enquiry report was not being acted upon that a Public Interest Litigation was again filed in this Court arising from C.W.J.C.No. 10002 of 2016 (Kaushal Kumar Vs The State of Bihar & Ors).

The respondents became active thereafter to issue show cause notice to the teachers, one of which is impugned at Annexure-10 to C.W.J.C.No. 17904 of 2016 and the hurriedness shown by the



respondent Regional Deputy Director of Education is manifest from the fact that in most of the cases 24 hours notice was given to the petitioners to file their reply as to why they should not be terminated for the irregularities pointed out therein. All the petitioners have continued their post for a period of two-three decades and in view of the alleged irregularities pointed out by the CBI in the report that their services has been terminated. Similar notices and order(s) of termination are impugned in other writ petitions.

Learned counsel for the petitioners do admit that though in a few of the cases, the teachers have been granted longer period to file their show cause but in most of the cases, the notice grants an absurd 24 hours time to the petitioners to file their reply. It is the stand of the petitioners that though reply has been filed by them but in so far as the petitioner in C.W.J.C.No. 17904 of 2016 is concerned, even before the reply could reach the Regional Deputy Director of Education, Magadh Division, Gaya that the order is passed on 26.8.2016 simply proceeding on the allegation which forms part of the CBI report.

Learned counsel for the petitioners have taken this Court through a number of orders which have been enclosed in the respective writ petitions to submit that irregularities whatsoever has been subject matter of deliberation before this Court time and again



and the appointments have been upheld. It is the submission of learned counsel that the orders of this Court though enclosed in the writ petition, it does not find any answer in the impugned order or in the counter affidavit filed. The short argument advanced by the learned counsel for the petitioners appearing in this batch of writ petitions is that:

- (a) There is no procedural infirmity in the appointments;
- (b) The appointments were put to test before this Court earlier and upheld;
- (c) Notice period is absurd;
- (d) Denial of reasonable opportunity to defend; and
- (e) Order is mechanical; non-speaking and without application of mind.

The arguments are contested by learned State counsel.

In the nature of the order which this Court proposes to pass for the present, I do not intend to express any opinion in so far as inter-party merit is concerned. It is not in dispute that all these appointments have been made in the year 1981 or thereafter. Meaning thereby it is after more than 20-30 years of functioning that these petitioners have been subjected to the scrutiny on alleged irregularities. The irregularities which were taken note of by the CBI primarily relate to non-publication of the advertisement; not holding a



selection process and failure to observe the reservation policy. Though the petitioners answer the allegation in their reply but the manner in which the respondent Regional Deputy Director of Education, Magadh Division, Gaya as well as Regional Deputy Director of Education of other Divisions, have proceeded to terminate the appointments without giving reasonable opportunity to these petitioners to clarify their position and vindicate their stand, the order(s) impugned are rendered invalid. The decision making process surely suffers from gross infirmity and deprives reasonable opportunity to the petitioners to defend themselves. It is not a case where an appointment is being tested within a reasonable time rather an issue of regular/irregular appointment is being raised after more than 20-30 years on the process followed and whether it was correctly followed. All these petitioners have been confirmed on their respective post and have also been granted promotion. Learned counsel for the petitioners while defending their appointments on the process followed, have placed reliance on the opinion of the Apex Court expressed in the case of State of Karnataka Vs Uma Devi, reported in 2006(2) PLJR (SC) 363 to submit that the Regional Deputy Director of Education, Magadh Division, Gaya as well as the Regional Deputy Director of Education of other Divisions, have completely misdirected themselves. Undisputedly the petitioners have



been deprived of a reasonable opportunity to canvas their respective cases, produce relevant documents together with supporting case laws which could not be pressed into service, in the manner in which the matter has been conducted. My observations certainly would not bear a protection to such appointments which are plagued with fraud and obtained on forged documents, however this would require an examination thereof and individual case needs to be examined. The orders impugned in the respective writ petitions are unsustainable for two basic reasons which go to the root of the matter namely: (a) denial of reasonable opportunity to the petitioners to file their show cause; and (b) denial of a right to personal hearing specially where these petitioners are continuing for two to three decades or more.

Mr. Jai Prabhat Kishore, learned State counsel leading the argument for the State has invited to attention of this Court to the orders passed by this Court in the Public Interest Litigation arising in C.W.J.C.No. 10002 of 2016 (Kaushal Kumar versus State), annexed as Annexure-C series to the counter affidavit filed in C.W.J.C.No. 17204 of 2016 to defend the orders impugned. In my opinion, the order passed on 19.9.2016 by the Division Bench itself is sufficient reason to quash the impugned orders. The Division Bench while seeking information on the action taken by the State on the C.B.I. report, has made it very clear that **“No termination of service of**



teachers shall take place pursuant to the report of CBI without giving notices to the teachers concerned and without following due process of law.”

In my opinion, a notice of 24 hours or even two days neither would satisfy a notice period nor would satisfy grant of reasonable opportunity to defend nor an order passed thereon would be held an order passed after following due process of law. The Public Interest Litigation in the case of Kaushal Kumar (supra) was finally disposed of by the Division Bench vide order passed on 21.10.2016 when informed by learned counsel for the State that action has been taken on the CBI report but an arbitrary action certainly, is not what the Court may have conceived, when informed and which is reflective from the order passed on 19.9.2016. Appointments which have uninterruptedly continued for two to three decades without complaint, have been set at naught in a sweeping manner. My observations may not for a moment be construed in favour of any of the appointments which is resting on a fraud and in which case, the continuity would not come to their rescue but as informed by learned counsel for the petitioners, most of the terminations are resting on alleged procedural failures and which according to the learned counsel for the petitioners, is an error of record because according to learned counsel for the petitioners due procedure was followed and have been taken note of



by this Court in a series of orders passed earlier which form part of these writ petitions but which have been ignored by the Regional Deputy Director of Education, Magadh Division, Gaya as well as Regional Deputy Director of Education of other Divisions authoring the orders impugned.

For the reasons aforementioned, the order of termination:

(a) bearing memo no. 701 dated 26.8.2016 passed by the Regional Deputy Director of Education, Magadh Division, Gaya, impugned at Annexure 1 to C.W.J.C.No. 17904 of 2016; (b) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 11 to C.W.J.C.No. 14724 of 2016; (c) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 17495 of 2016; (d) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 16996 of 2016; (e) bearing memo nos. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, memo nos. 1656 and 1656(c) dated 24.8.2016 respectively passed by the Regional Deputy Director of Education, Kosi Division, Saharsa and memo nos. 1236, 1239, 1240, 1242 and 1243 respectively dated 26.8.2016 passed by



the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, and memo nos.631, 628, 630 and 629 dated 22.8.2016 respectively passed by the Regional Deputy Director of Education, Saran Division, Chapra and memo no. 1007 dated 23.8.2016 passed by the Regional Deputy Director of Education, Darbhanga Division, Darbhanga and memo no. 604 dated 24.8.2016 passed by the Regional Deputy Director of Education, Purnea Division, Purnea, impugned at Annexure 4 series to C.W.J.C.No. 15713 of 2016; (f) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 15726 of 2016; (g) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 15992 of 2016; (h) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 10 to C.W.J.C.No. 15778 of 2016; (i) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 1 to C.W.J.C.No. 16385 of 2016; (j) bearing memo no. 642 dated 28.9.2016 passed by the Regional Deputy Director of Education, Munger Division, Munger, impugned at Annexure 7 to C.W.J.C.No. 20167 of 2016; (k) bearing memo no. 604 dated 24.8.2016 passed by



the Regional Deputy Director of Education, Purnea Division, Purnea, impugned at Annexure 10 to C.W.J.C.No. 16487 of 2016; cannot be upheld and are accordingly, quashed and set aside. The writ petitioners are restored to their respective posts. This order however, would not preclude the Regional Deputy Director of Education, Magadh Division, Gaya as well as Regional Deputy Director of Education of other Divisions to proceed afresh but in accordance with law and pass order after affording reasonable opportunity to the petitioners not only to file their show cause but also to defend their cases by personal hearing..

Needless to add that in case the Regional Deputy Director of Education, Magadh Division, Gaya as well as Regional Deputy Director of Education of other Divisions would decide to re-initiate the proceeding and serve notice on the writ petitioners, they would cooperate in the expeditious disposal of the matter.

The writ petitions are accordingly allowed.

(Jyoti Saran, J)

A.I./-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	25.01.2017
Transmission Date	NA

