

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10680 of 2016

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1. Sanjeet Kumar Baitha, Son of Sri Bhairon Baitha, Resident of Village Ruphara, P.S. Shikarganj, District- East Champaran.
 2. Madan Baitha, Son of Sri Ram Sewak Baitha, Resident of Village Harbolwa, Police Station- Chiraiya, District- East Champaran.
 3. Baidyanath Kumar Manjhi, Son of Sri Horil Manjhi, Resident of village Yadopur Nanhakar, P.S. Dhaka, District- East Champaran.
 4. Surendra Baitha Son of Late Baskit Baitha Resident of Village & Post Karmawa, Police Station- Dhaka, District- East Champaran.
 5. Sangeeta Kumari, wife of Sri Ramashish Baitha, Resident of Village Chailahan Kudiya, P.S. Banjaria, District- East Champaran.
 6. Reena Kumari, wife of Sri Sugriva Baitha, Resident of Village Chailahan Kudiya, P.S. Banjaria, District- East Champaran.
 7. Puja Kumari, Wife of Sri Krishna Baitha, resident of Village Ajarwa, Police Station Pakdidayal, District East Champaran.
 8. Sona Lal Baitha, Son of Sri Munilal Baitha, resident of Village Belwaniya, Police Station Pipra Kothi, District East Champaran.
 9. Mohd. Samsuddin, Son of Jumrati Mian, Resident of Village Saraiya Gopal, Police Station Patahi, District- East Champaran.
 10. Mohd. Sahabuddin, Son of Mohd. Sultan Mian, Resident of village Kachurbari, Police Station Adapur, District- East Champaran.
 11. Nasima Praveen, wife of Hafijullah, Resident of village Kachurbari, Police Station Adapur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Education Officer, Motihari, East Champaran.
5. The District Programme Officer (Training RMSA & Literacy), Motihari, East Champaran.
6. The Block Education Officer, Chiraiya Block, East Champaran.



7. The Block Education Officer, Dhaka Block, East Champaran.
8. The Block Education Officer, Banjariya Block, East Champaran.
9. The Block Education Officer, Pakdidayal Block, East Champaran.
10. The Block Education Officer, Piprakothi Block, East Champaran.
11. The Block Education Officer, Patahi Block, East Champaran.
12. The Block Education Officer, Adapur Block, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-06-2017

Heard learned counsel for the petitioners and
State.

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

“(i) For issuance of appropriate writ/writs, order/orders or direction/directions in the nature of certiorari for quashing the order contained in memo no. 141 dated 22.04.2016 issued by District Education Officer, East Champaran whereby and whereunder the appointment of petitioners has been cancelled on non-est grounds in violation of principles of natural justice without giving any opportunity of hearing.

(ii) For further quashing the consequential order dated 22.04.2016 issued by District Programme Officer, Literacy, East Champaran in a pshyclostyled format directing the concerned Headmasters to cancel the appointment of petitioners,



(iii) For further quashing of the consequential order issued by concerned Headmasters cancelling the appointment of petitioners without application of mind.

(iv) For any other order/orders which the petitioners may found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners, at the very outset, submitted that the common order of termination with regard to 113 persons including the petitioner was also the subject matter of C.W.J.C. No. 10534 of 2016 in which a co-ordinate Bench by order dated 17.05.2017 has directed the Principal Secretary, Education Department to consider the claim of the petitioners and issue appropriate direction to the authority concerned to take steps for filling up the 49 admitted vacant posts in accordance with law bearing in mind the fact that these persons whose name finds mention at Annexure-1 have gained experience over the period and which may be a relevant factor in the matter of filling up of the post.

4. Learned counsel for the State does not dispute the fact that the present matter is similar.

5. In view thereof, the writ petition stands disposed off in terms of the order dated 17.05.2017 passed in C.W.J.C. No. 10534 of 2016. The authority concerned shall carry out a similar exercise with regard to the present petitioners also.

6. The petitioners shall be at liberty to



demonstrate that their case for appointment is better compared to the other contenders on the basis of experience.

(Ahsanuddin Amanullah, J.)

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