

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16026 of 2011

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1. Abdul Rasid Khan S/O Shakel Khan R/O Village- Hooridih, P.S.- Antari,
District- Gaya, At Present English Teacher Of Anti High School

.... Petitioner

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Bihar, Patna
3. The Regional Deputy Director Of Education, Magadh Division, Gaya
4. The District Education Officer, Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Respondent/s : Mr. A.Ujjwal SC-4

Mr. Upendra Pratap, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 14-11-2017 The following reliefs have been sought for on behalf of
the petitioner in the present writ application:-

- (i) “For quashing of the order dated 29.07.2009 contained in Memo No. 357 issued under the signature of Director, Secondary School Education Department, Bihar, Patna whereby and where under the services of the petitioner ha been terminated on the ground of forged appointment.
- (ii) To direct the respondent authority to re-instate in service to the petitioner with all consequential benefits and further to pay the salary to the petitioner from 14.05.2003 to 08.04.2014 as he has already served the department for the said period.”

It has further been submitted on behalf of the
petitioner that other similarly situated persons have already been



granted similar relief by the order passed in C.W.J.C. No.6947 of 2005 dated 14.07.2008.

The services of the petitioner and other persons were terminated on the ground that they were appointed as an Assistant Teacher on the basis of a forged appointment letter. In respect to same, an F.I.R. was also instituted against such persons including the petitioner. The petitioner has been acquitted by the criminal court vide order dated 05.12.2016 as contained in Annexure-14, to the Supplementary affidavit. Similar fact had existed in case of other persons, in respect to whom an order was passed in C.W.J.C. No.6947 of 2005 dated 14.07.2008.

Considering the submissions made on behalf of the petitioner and the order dated 14.07.2008 referred above, passed in the identical matter, the order dated 29.07.2009 contained in Memo No.357 passed by the Director, Secondary Education, Bihar, Patna is quashed, and the Director, Secondary Education, Bihar, Patna i.e. Respondent no.2 is directed to pass an order regarding reinstatement of the petitioner forthwith.

So far the other claims of the petitioner i.e. payment of arrears of salary and consequential benefits are concerned, the petitioner shall file a representation before the respondent no.2 i.e. Director, Secondary Education, who shall be obliged to pass



reasoned order regarding the claims of the petitioner, within three months from the date of production/receipt of this order.

With the aforesaid observation and direction, the present writ application stands allowed.

(Sudhir Singh, J)

Amit/-

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