

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13803 of 2016

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1. Priyanka Kumari, Wife of Sri Ram Kishore Baitha Resident of Village Rupni Math, Post Bela Baiju, Police Station - Patahi, District - East Champaran.
 2. Guddi Kumari wife of Sri Siya Ram Resident of Village - Dumri Baiju, P.S. - Patahi, District - East Champaran.
 3. Praveen Kumar, Son of Sri Ganesh Ram, Resident of Village - Dilawarpur, Block Kalyanpur, P.S. Kalyanpur, District - East Champaran.
 4. Bhulan Ram Son of Sri Lakhichandra Ram, Resident of Village & Post Sundrapur, Police Station - Kesariya, District - East Champaran.
 5. Jitendra Kumar Ram Son of Sri Chandradeo Ram Resident of Village Mahuawa, Post Puraunia, Police Station - Darpa, District - East Champaran.
 6. Pappu Baitha Son of Sri Anup Baitha Resident of village & Post Telhara Kala, Police Station - Kumdwa Chainpur, District - East Champaran.
 7. Ram Bharose Ram, Son of Sri Badri Ram, Resident of village & Post Karsahiya, Police Station - Dhaka, District - East Champaran.
 8. Hari Shankar Ram Son of Sri Jamadar Ram resident of village - Dihpakdi, Police Station Pakridayal, District - East Champaran.
 9. Dilip Kumar Ram, Son of Sri Kishori Ram, resident of ward no. 13, Pakridayal, Police Station Pakridayal, District - East Champaran.
 10. Imrana Khatoon, wife of Gaushe Aajam, resident of village Raghunathpur, P.S. Turkauliya, 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), East Champaran.
6. The Block Education Officer, Patahi Block, East Champaran.
7. The Block Education Officer, Kalyanpur, Block East Champaran.
8. The Block Education Officer, Kesariya, Block East Champaran.



9. The Block Education Officer, Pakdidayal Block, East Champaran.
10. The Block Education Officer, Chauradano Block, East Champaran.
11. The Block Education Officer, Dhaka Block, East Champaran.
12. The Block Education Officer, Turkauliya 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 and send compliance report to the officer concerned.

(iii) For further quashing of the consequential order issued by concerned



Headmasters cancelling the appointment of petitioners without application of mind on non-est grounds.

(iv) For any other writ/writs, 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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