

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1479 of 2016

IN

Civil Writ Jurisdiction Case No. 5189 of 2013

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Uma Shankar Prasad, Son of Late Bindhyachal Prasad, resident of Village Murli,
P.S. Sathi, District- West Champaran at Bettiah.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Human Resources, Vikas Bhawan, New Secretariat, Bihar, Patna.
3. The Director, Primary Education Vikas Bhawan, New Secretariat, Bihar, Patna.
4. The District Education Officer, West Champaran at Bettiah.
5. The District Programme Officer (Establishment), West Champaran at Bettiah.
6. The Managing Committee, Non- Government of Aided Janta Middle School Murli, Sathi Narkatiyaganj, District- West Champaran at Bettiah, through its Secretary.
7. The Secretary, Non- Government Aided Janta Middle School Murli, Sathi Narkatiyaganj, District- West Champaran at Bettiah.
8. The Headmaster, Non- Government Aided Janta Middle School Murli, Sathi Narkatiyaganj, District- West Champaran at Bettiah.

.... Respondent/s

with

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Letters Patent Appeal No. 1483 of 2016

IN

Civil Writ Jurisdiction Case No. 5815 of 2013

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1. Abhishek Kumar, Son of Rajeev Yadav, Resident of Village Sirsia, P.S. Sathi, District- West Champaran At Bettiah
 2. Shailesh Kumar, Son of Ram Sunder Prasad, Resident of village Purvi Kargahia, P.S. Bettiah, District West Champaran

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, Vikas Bhawan, New Secretariat, Bihar, Patna
3. The Director, Primary Education, Vikash Bhawan, New Secretariat, Bihar, Patna.
4. The District Education Officer, West Champaran at Bettiah
5. The District Programme Officer (Establishment), West Champaran at Bettiah
6. The Managing Committee, Non-Government Aided Janta Middle School Murli, Sathi Narkatiyaganj, District West Champaran At Bettiah, through its Secretary
7. The Secretary, Non- Government Aided Janta Middle School Murli, Sathi Narkatiyaganj, District West Champaran At Bettiah
8. The Headmaster, Non-Government Aided Janta Middle School Murli, Sathi Narkatiyaganj, District West Champaran At Bettiah

.... Respondent/s

with

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Letters Patent Appeal No. 1480 of 2016

IN



Civil Writ Jurisdiction Case No. 6380 of 2013

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1. Kumari Shanti, Wife of Ajay Kumar, resident of Village Murli, P.S. Sathi, District- West Champaran at Bettiah.

2. Sushil Kumar Prasad, Son of Pahwari Prasad. resident of Village- Murli P.S. Sathi, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

2. The Principal Secretary, Department of Human Resources, Vikas Bhawan, New Secretariat, Bihar, Patna.

3. The Director, Primary Education, Vikas Bhawan, New Secretariat, Bihar, Patna.

4. The District Education Officer, West Champaran at Bettiah.

5. The District Programme Officer (Establishment), West Champaran, Bettiah.

6. The Managing Committee, Non - Government Aided Janta Middle School Murli, Sathi, Narkatiyaganj, District West Champaran at Bettiah, through its Secretary.

7. The Secretary, Non - Government Aided Janta Middle School Murli, Sathi, Narkatiyaganj, District West Champaran at Bettiah.

8. The Headmaster, Non - Government Aided Janta Middle School Murli, Sathi, Narkatiyaganj, District West Champaran at Bettiah.

.... Respondent/s

with

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Letters Patent Appeal No. 1484 of 2016

IN

Civil Writ Jurisdiction Case No. 5096 of 2013

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Badal Kumar, son of Vijay Kumar Rao, Resident of Village Laukariya, P.S. Bairiya, District- West Champaran At Bettiah

.... Appellant/s

Versus

1. The State of Bihar

2. The Principal Secretary, Department of Human Resources, Vikas Bhawan, New Secretariat, Bihar, Patna

3. The Director, Primary Education, Vikas Bhawan, New Secretariat, Bihar, Patna

4. The District Education officer, West Champaran at Bettiah

5. The District Programme Officer, (Establishment), West Champaran at Bettiah

6. The Managing Committee, Non-Government Aided Janta Middle School Khenhar Rao, Laukariya, West Champaran At Bettiah, through its Secretary

7. The Secretary, Non- Government Aided Janta Middle School Knehar Rao, Laukariya, West Champaran At Bettiah

8. The Headmaster, Non- Government Aided Janta Middle School Knehar Rao, Laukariya, West Champaran At Bettiah

.... Respondent/s

with

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Letters Patent Appeal No. 1487 of 2016

IN

Civil Writ Jurisdiction Case No. 5187 of 2013

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Abdur Raqueeb, son of Md. Muztaba, resident of village Thumka, P.S. Sikta, District West Champaran at Bettiah



.... Appellant/s

Versus

1. The State of Bihar
2. The Principal secretary, department of Human Resources, Vikas Bhawan, New Secretariat, Bihar, Patna
3. The Director, Primary Education, Vikas Bhawan, New Secretariat, Bihar, Patna.
4. The District Education Officer, West Champaran at Bettiah
5. The District Programme Officer (Establishment), West Champaran at Bettiah.
6. The Managing Committee, Non Government Minority Aided School, Chhawani, West Champaran at Bettiah, through its Secretary.
7. The Secretary, Non Government Minority Aided School, Chhawani, West Champaran at Bettiah, through its Secretary.
8. The Headmaster, Non Government Minority Aided School, Chhawani, West Champaran at Bettiah.

.... Respondent/s

Appearance :

(In LPA No.1479 of 2016)

For the Appellant/s : Mr. P. K. Shahi, Sr.Adv.
Mr. Sanjay Kumar, Adv.
Mr. Jay Prakash Singh, Adv.

For the State : Mr. Puneet Siddhartha, AC to AAG-13

(In LPA No.1483 of 2016)

For the Appellant/s : Mr. P.K.Shahi, Sr.Adv.
Mr. Sanjay Kumar, Adv.

For the State : Mr. Rajiv Roy, GP-1
Mr. Suresh Kumar, AC to GP-1

(In LPA No.1480 of 2016)

For the Appellant/s : Mr. P.K. Shahi, Sr.Adv.
Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr.

(In LPA No.1484 of 2016)

For the Appellant/s : Mr. P.K. Shahi, Sr.Adv.
Mr. Sanjay Kumar, Adv.

For the State : Mr. Shiv Kumar, AC to GA-3

(In LPA No.1487 of 2016)

For the Appellant/s : Mr. P.K. Shahi, Sr.Adv.
Mr. Sanjay Kumar, Adv.

For the State : Mr. Ramadhar Singh, GP-25

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-12-2017



Having given extensive hearing to learned counsel for
the appellants, all these appeals are disposed of by this common

judgment since the writ applications were also disposed of by the common judgment.

The concluding part of the observation in the impugned order dated 16.05.2016, which reads as under, still holds:-

“In that view of the matter, the appointment of the teacher cannot be upheld. The decision of the Government cannot be held to be illegal. However, the school, in question, will be at liberty to appoint the trained teacher as per the executive instruction by publishing the advertisement in the daily newspaper so that best and talented person would be appointed.”

The institution and these appellants will be well advised to follow the process and the procedure indicated in the concluding part of the order.

All these appeals stand disposed of without interfering with the other observation of the rest of the order.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2017
Transmission Date	

