

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.84 of 2006

IN

Civil Writ Jurisdiction Case No. 9772 of 1999

- =====
1. The State of Bihar
 2. The Director, Secondary Education, Bihar, New Secretariat, P.S.-Secretariat Police Station, District-Patna
 3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, P.S.-Muzaffarpur Town, District-Muzaffarpur
 4. The District Education Officer, Bettiah, P.S.-Bettiah Town, District-West Champaran
 5. The Sub-Divisional Education Officer, Bagha, P.S.-Bagha Town, District-West Champaran

.... Appellant/s

Versus

1. Santosh Kumar, son of Sitaram Mishra, resident of Village-Jamania, P.S.-Lauria, District-West Champaran, posted as Assistant SDEO, Bagha, West Champaran
2. Lal Babu Prasad Yadav, son of Kashi Prasad Yadav, resident of Village-Champapur, P.S.-Ramgarhwa, District-East Champaran, presently posted as Assistant SDEO, Bagha, West Champaran
3. Sudhakar Jha, son of Ripudaman Jha, resident of Village-Ramgarhwa, P.S.-Ramgarhwa, District-West Champaran posted as Assistant SDEO, Bagha, West Champaran

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shashi Dhar Jha (JC-SC1)

For the Respondent/s : Mr. Sunil Kumar Singh

Mr. Ajay Kumar Singh

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-09-2017

Seeking exception to an order dated 10.02.2005 passed by the Writ Court in Civil Writ Jurisdiction Case No. 9772 of 1999, this appeal has been filed by the State Government under Clause 10 of the Letters Patent.



The respondents herein were appointed as peons in the office of Sub Divisional Education Officer, Bagha, West Champaran and when their services were terminated on 18.05.1999, the writ petition in question was filed. The writ petition has been allowed, termination has been set aside and it has been directed to be reinstated without payment of any salary for the period they remained out of employment.

Challenging the aforesaid order, this Letters Patent Appeal has been filed and primarily the ground raised in this appeal is that the appointments were without following the due process of law and on the basis of certain forged documents, the appointments were made. However, we find that all these issues have been gone into by the learned Writ Court and after examining the issue, found that appointments were after an advertisement was issued, names were called for from the employment exchange. That apart, we see that challenging the similar orders of termination, Civil Writ Jurisdiction Case No. 3699 of 2001 was filed and earlier to that another Civil Writ Jurisdiction Case No. 5003 of 1999 was filed, wherein also similar orders passed for termination were called into question. The learned Writ Court found that in these writ petitions, the orders of termination have been quashed and against the order passed in Civil Writ Jurisdiction Case No. 5003 of 1999, Letters Patent Appeal No. 1512



of 2000 was filed before a Division Bench of this Court which was also dismissed. Thereafter, the matter travelled to the Supreme Court in S.L.P. (Civil) No. 6977 of 2000 which also met the same fate as the Letters Patent Appeal and the employees were therefore granted the benefits by the learned Writ Court.

In view of the factual aspect of the matter which was duly canvassed by the learned Writ Court, the order passed by the learned Writ Court has been upheld by Hon’ble Supreme Court, we see no reason to take a different view into the matter.

The Appeal is accordingly, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11/09/2017
Transmission Date	NA

