

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1304 of 2015
IN
Civil Writ Jurisdiction Case No. 1371 of 2014**

- =====
1. The State of Bihar
 2. The Principal Secretary, Education Department, Government of Bihar, Patna
 3. The Director, Primary Education, Govt. of Bihar, Patna
 4. The Regional Deputy Director of Education, Magadh Division, Gaya
- Appellant/s

Versus

Manoj Kumar, aged about 43 years son of Sri Sheo Sagar Singh, resident of village+P.O.- Barpa, District Aurangabad at present working as Assistant Teacher, Rajkiya Buniyadi Vidyalaya, Gopalpur, District Nawada

.... Respondent/s

with

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**Letters Patent Appeal No. 1421 of 2015
IN
Civil Writ Jurisdiction Case No. 780 of 2014**

- =====
1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
 2. The Director, Primary Education, Govt. of Bihar, Patna.
 3. The Regional Deputy Director of Education, Magadh Division, Gaya.

.... Appellant/s

Versus

Abhay Kumar S/o Late Krishna Kumar Prasad Resident of Village Kalupur, P.S. Parascugh, District Jehanabad.

.... Respondent/s

with

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**Letters Patent Appeal No. 1448 of 2015
IN
Civil Writ Jurisdiction Case No. 1313 of 2014**

- =====
1. The State of Bihar.
 2. The Principal Secretary, Education Department, Government of Bihar, Patna.
 3. The Director, Primary Education, Govt. of Bihar, Patna
 4. The Regional Deputy Director of Education, Magadh Division, Gaya.

.... Appellant/s

Versus

Bindu Kumari D/o Harbansh Singh w/o Sudhir Kumar Sharma, Resident of village - Ubhai, P.S. - Paraiya, District - Gaya, At present working as Assistant Teacher, Government Basic School, Gopalpur Anchal, P.O. - Akbarpur, District - Nawada.

.... Respondent/s

with

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Letters Patent Appeal No. 73 of 2017



IN
Civil Writ Jurisdiction Case No. 1708 of 2014

- =====
1. The State of Bihar.
 2. The Principal Secretary, Education Department, Govt. Of Bihar, Patna.
 3. The Director, Primary Education, Govt. Of Bihar, Patna.
 4. The Regional Deputy Director of Education, Magadh Division, Gaya.
- Appellant/s

Versus

Kamla Sinha, aged about 48 years, W/O Sri Parmeshwar Prasad, Resident Of
Chanakayapuri Colony, P.S. Rampur, District Gaya.

.... Respondent/s

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Appearance :

(In LPA No.1304 of 2015)

For the Appellant/s : Mr. Bipin Kumar, Advocate

For the Respondent/s :

(In LPA No.1421 of 2015)

For the Appellant/s : Mr. Bipin Kumar, Advocate

For the Respondent/s :

(In LPA No.1448 of 2015)

For the Appellant/s : Mr. Arjun Prasad, Advocate

For the Respondent/s :

(In LPA No.73 of 2017)

For the Appellant/s : Mr. Arjun Prasad, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-04-2017

Seeking exception to order dated 09.02.2015 passed by
the Writ Court in C.W.J.C. No.1371 of 2014, 780 of 2014, 1313 of
2014 and 1708 of 2014, all these appeals have been filed by the State
Government under Clause X of the Letters Patent.

Facts in nut shell go to show that all the respondents-
employees were appointed as Assistant Teachers in the education
department. They worked for more than 25-30 years and while they
were so working, one Md. Murshid Alam filed a contempt petition



before this Court being M.J.C. No.280 of 2012 and in the contempt application he made a grievance that certain benefits have not been granted to him. Similarly situated persons have been granted the benefit and if the claim of Md. Murshid Alam is rejected on the ground that his appointment is illegal, then the appointment of all other similarly situated persons are illegal. When such statement was made in the contempt petition, the learned Contempt Court observed that if that be so, action should be taken against all such illegal appointment.

Based on the aforesaid observation made in M.J.C. No.280 of 2012 it is seen that the Regional Director after instructions from the Principal Secretary of the Department directed the Director to look into the matter and based on some decisions taken the services of all the writ petitioners were terminated without issuing show cause notice to them, without informing to them what is the illegality or irregularity in the process of appointment undertaken and in total disregard to and in violation of the principles of natural justice only by issuing a show cause notice the services were terminated.

The matter was examined by the learned Writ Court and the Writ Court found that merely because some observations were made and merely because the Director gave a report the services of the petitioners, who had worked for 2-3 decades, could not be dispensed with in the manner done and granted relief to them.



Challenging the aforesaid direction of the Writ Court, these appeals have been filed and nothing is brought to our notice based on which it can be held that the selection of the employees concerned, which took place 25-30 years back, stood vitiated because of any illegality or irregularity. Nothing is available on record to indicate as to what is the illegality committed, how the illegality came to the notice, what was the enquiry conducted with regard to the illegality, what is the report of such an enquiry and whether the enquiry report was submitted and brought to the notice of the employees concerned and thereafter they were proceeded against and their services terminated after hearing them. The manner, in which the services of the employees were terminated, cannot be upheld under law and interfering such a termination the learned Writ Court has not committed any error warranting reconsideration.

In view of aforesaid, the appeals stand dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.04.2017
Transmission Date	

