

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12725 of 2017

Along with

Interlocutory Application No.6851 of 2017

Along with

Interlocutory Application No.7538 of 2017

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1. Arun Kumar Singh Son of Late Indra Deo Prasad Singh, Resident of Village- Girdharian, P.O. Dinara, P.S.- Dinara, District- Rohtas.
 2. Amit Kumar Son of Late Prakash Gupta, Resident of Mohalla- Hanuman Fatak, P.O.+ P.S.- Buxer, District- Buxer.
 3. Shiv Shankar Prasad Son of Late Jagat Narayan Ram, Resident of Village+ P.O.+ P.S.- Sahpur, District- Bhojpur.
 4. Kirti Azad Son of Sri Narendra Prasad Azad, Resident of Village- Budhan Purwan, Ward No. 16, Sindicate, P.S.- Buxer, District- Buxer.
 5. Sonachur Prasad, Son of Ram Awadh Bind, Resident of Village- Sariyan, P.O.+ P.S.- Durgawati, District- Buxer.
 6. Shri Nath Yadav, Son of Brij Bihari Yadav, Resident of Village+ P.O.- Chakki, P.S.- Brahmpur, District- Buxer.
 7. Ratnesh Kumar Singh Son of Raghvendra Bahadur Singh, Resident of Village+ P.O.+ P.S.- Nagar District- Balia (Uttar Pradesh).

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director (Primary Education), Bihar, Patna.
4. The District Magistrate, Buxar.
5. The District Programme Officer (Establishment), Buxar.
6. The Block Development Officer Brahampur, District- Buxar.
7. The Block Education Officer, Brahampur, District- Buxar.

.... Respondents

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Appearance :

For the Petitioners : Mr. Amit Shrivastava, Advocate
Mr. Vijay Shankar Upadhyay, Advocate
Mr. Girish Pandey, Advocate

For the State : Mr. Madanjit Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the petitioners and learned GP-20
for the State.

Re.: Interlocutory Application No.6851 of 2017 along



with Interlocutory Application No.7538 of 2017

2. The writ petition has been filed for the following reliefs :

“ i. Issuance of a writ/writs, order/orders, direction/directions in the nature of mandamus commanding the respondent authorities to pay the salary of the petitioners which has been withheld since June, 2016 for which the petitioners are entitled to in the eye of law.

ii. Issuance of writ/writs, order/orders, direction/directions in the nature of the certiorari quashing the order vide letter no.255 dated 19.08.2016 passed by the Block Education officer by which the salary of the petitioners have been stopped.

iii. Issuance of any other relief/reliefs for which the petitioners are entitled to in the eyes of law.”

3. Since, during the pendency of the writ petition, the petitioners' services have been terminated, they have filed Interlocutory Applications No.6851 of 2017 and 7538 of 2017, assailing such termination order.

4. In view of the prayer made in the Interlocutory Applications being consequential and directly connected with the relief sought in the main writ petition, the prayer is allowed. The relief sought in the aforesaid Interlocutory Applications shall form part of the main writ application.

5. Accordingly, Interlocutory Applications No.6851 of 2017 and 7538 of 2017 stand disposed off.

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6. After some arguments, learned counsel for the petitioners drew the attention of the Court to order dated 11.09.2017 passed by the Court in C.W.J.C. No.11784 of 2017 in the case of **Kavita Kumari and others vs. The State of Bihar and others**, which was filed by persons similarly situated to the present petitioners and submitted that the writ petition has been allowed by setting aside the termination orders and the petitioners were declared to have been validly appointed and entitled to get all benefits, including that of salary and continuance in service. Learned counsel submitted that the reason for interference by the Court was primarily on the ground that final merit list in the case by the petitioners had been prepared within the cut-off date, i.e., 07.04.2015, which is also the case with the writ petitioners.

7. Learned counsel for the State does not dispute the aforesaid fact as also that the case of the petitioners is similar to that of **Kavita Kumari (Supra)**.

8. Having regard to the aforesaid, the writ petition stands disposed off in terms of the order dated 11.09.2017 in C.W.J.C. No.11784 of 2017 for reasons recorded therein. The orders of termination of service of the petitioners stand set aside. The petitioners are declared to have been validly appointed and entitled to get all benefits, including that of salary and continuance in service.



9. The writ petition stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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