

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1881 of 2015

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Pappu Kumar Yadav Son of Binda Prasad Yadav Resident of vill-Bairatwa, P.S-
Thakraha, Distt.-West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bettiah, Distt.-West Champaran
2. The District Education Officer, Bettiah, Distt.-West Champaran
3. The Block Education Officer, Bhitha, Distt.-West Champaran
4. The Block Development Officer, Bhitha, Distt.-West Champaran
5. The Director Cum- Joint Secretary, Education Department, Patna, Bihar.
6. The District Programme Officer, Bettiah, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Keshav Srivastava, Sr Advocate with
Mr Abhitabh Kumar, Advocate
For the S t a t e : Mr Mukul Prasad, AC to GP XVIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 25-04-2018

It is prayed by the petitioner that since, due to inadvertence, his father's name has wrongly been mentioned in the cause title as *Vinod Prasad Yadav* in place of Binda Prasad Yadav, he may be allowed to correct the cause title and in place of *Vinod Prasad Yadav*, *Binda Prasad Yadav* be incorporated. Prayer of petitioner is allowed.

2 Let him make correction in course of the day.

3 Heard learned Senior Counsel for the petitioner as well as the respondent-State.



4 Writ petition has been filed for quashing the order dated 03.12.2014 issued by the Block Development Officer, Bhitha where under the petitioner's appointment, as Block Programme Coordinator, Bhitha in the district of West Champaran, was cancelled. After detailed consideration of the matter, this Court, under order dated 14.03.2018, directed that the Director –cum- Joint Secretary, Education Department, Bihar, Patna be added as respondent No 5. Specific instructions were called upon from respondent No 5 since his Guidelines dated 25.06.2012 provided that authority higher than the District Programme Officer was only competent to look into the issue regarding selection and cancellation of petitioner's appointment. Specific query was made in light of such Guidelines that in view of the said Guidelines whether cancellation of the petitioner's selection by the Block Development Officer could be sustained?

5 Counter affidavit has been filed in response to the said specific query on behalf of respondent No 6, District Programme Officer, Bettiah. Specific stand of the State with reference to the petitioner's termination is mentioned in paragraph 6 of the counter affidavit filed on behalf of respondent No 6. The same is being reproduced herein below:

“6. That it is also submitted that petitioner has been terminated by BDO, Bhitha vide memo no 733 dated 03.12.2014 which is out and out ultra vires and not sustainable out and



out.”

6 In view of the said situation, since the termination has been found to be unsustainable as a result of such stand of the State Government itself, this Court would direct that petitioner is now entitled to the consequential benefits arising out of Memo No 733 dated 03.12.2014 having been declared ultra vires the Guidelines dated 25.06.2012 issued by respondent No 5, by the respondents themselves. However, in light of paragraph 9 of counter affidavit filed by respondent No 6, it will be open to the competent respondent authority to reexamine the issue regarding the petitioner’s selection in accordance with law and after giving opportunity to the petitioner as per the Rules in force.

7 The writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.04.2018
Transmission Date	NA

