

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5669 of 2017

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Sharda Kumari Devi, Wife of Sidhinath Prasad Bhagat, Resident of Mohalla-Bhabua, Ward No. 2, Chauk Bazar, Post office- Bhabua, Police Station- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Secondary Education, Patna.
2. The Director, Education Department, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director, Patna Division, Patna.
4. The District Education Officer, Kaimur, Bhabua.
5. The District Programme Officer, Establishment, Kaimur, Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Respondent/s : Mr. Prabhakar Jha- GP27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 29-03-2018

Heard learned counsel for the petitioner and State.

Vide office order dated 11.01.2017, as contained in Annexure-8, the services of the petitioner was terminated purportedly on the ground of report of Central Bureau of Investigation where the appointment of the petitioner was found to be illegal and irregular. Similar order of termination, which is the subject matter, was scrutinized by a Co-ordinate Bench of this Court in C.W.J.C. No. 17904 of 2016 and other analogous cases of and vide order dated 17.01.2017 passed the following orders:

“For the reasons aforementioned, the order of termination: (a) bearing memo no. 701 dated 26.8.2016 passed by the Regional Deputy



Director of Education, Magadh Division, Gaya, impugned at Annexure 1 to C.W.J.C.No. 17904 of 2016; (b) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 11 to C.W.J.C.No. 14724 of 2016; (c) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 17495 of 2016; (d) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 16996 of 2016; (e) bearing memo nos. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, memo nos. 1656 and 1656(c) dated 24.8.2016 respectively passed by the Regional Deputy Director of Education, Kosi Division, Saharsa and memo nos. 1236, 1239, 1240, 1242 and 1243 respectively dated 26.8.2016 passed by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, and memo nos.631, 628, 630 and 629 dated 22.8.2016 respectively passed by the Regional Deputy Director of Education, Saran Division, Chapra and memo no. 1007 dated 23.8.2016 passed by the Regional Deputy Director of Education, Darbhanga Division, Darbhanga and memo no. 604 dated 24.8.2016 passed by the Regional Deputy Director of Education, Purnea Division,



Purnea, impugned at Annexure 4 series to C.W.J.C.No. 15713 of 2016; (f) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 15726 of 2016; (g) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 3 to C.W.J.C.No. 15992 of 2016; (h) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 10 to C.W.J.C.No. 15778 of 2016; (i) bearing memo no. 1023 dated 24.8.2016 passed by the Regional Deputy Director of Education, Patna Division, Patna, impugned at Annexure 1 to C.W.J.C.No. 16385 of 2016; (j) bearing memo no. 642 dated 28.9.2016 passed by the Regional Deputy Director of Education, Munger Division, Munger, impugned at Annexure 7 to C.W.J.C.No. 20167 of 2016; (k) bearing memo no. 604 dated 24.8.2016 passed by the Regional Deputy Director of Education, Purnea Division, Purnea, impugned at Annexure 10 to C.W.J.C.No. 16487 of 2016; cannot be upheld and are accordingly, quashed and set aside. The writ petitioners are restored to their respective posts. This order however, would not preclude the Regional Deputy Director of Education, Magadh Division, Gaya as well as Regional Deputy Director of Education of other Divisions



to proceed afresh but in accordance with law and pass order after affording reasonable opportunity to the petitioners not only to file their show cause but also to defend their cases by personal hearing.

Needless to add that in case the Regional Deputy Director of Education, Magadh Division, Gaya as well as Regional Deputy Director of Education of other Divisions would decide to re-initiate the proceeding and serve notice on the writ petitioners, they would cooperate in the expeditious disposal of the matter.

The writ petitions are accordingly allowed.”

In view of the above, the present writ application is also allowed in the manner C.W.J.C. No. 17904 of 2016 and analogous cases are allowed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2018
Transmission Date	

