

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21057 of 2014

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Zafirul Hassan, Son of Izharul Haque, Resident of Village - Khajurbari, P.O - Gamharia, Police Station - Terhagachh, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar. Patna.
2. The Director, Primary Education, Education Department, Bihar, Patna.
3. The District Magistrate, Kishanganj
4. The District Education Officer, Kishanganj.
5. The District Programme Officer (Establishment), Kishanganj.
6. The Block Development Officer, Terhagachh, District - Kishanganj-cum-the then Appellate Authority.
7. The Block Education Officer, Terhagachh, District - Kishanganj.
8. The Member, District Teacher's Employment Appellate Authority, Kishanganj.
9. The Mukhiya of Gram Panchayat Raj Hawakol, Police Station - Terhagachh, District - Kishanganj.
10. The Panchayat Secretary, Gram Panchayat Raj Hawakol, Police Station - Terhagachh, District - Kishanganj.
11. Akbar Hussain, Son of Moyeeuddin, Resident of Village - Khajurbari, P.O - Gamharia, Police Station - Terhagachh, District - Kishanganj, presently posted as Panchayat Teacher in Primary School Khurkhuria, Police Station - Terhagachh, District - Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 30-08-2018

Heard learned counsel for the petitioner and State.

2. Petitioner is aggrieved by the order as contained in Memo No. 882 dated 24.08.2007 and the follow-up order dated 28.08.2007 (Annexures-1 and 2), whereby the appointment of the petitioner as Panchayat Teacher has been cancelled.

3. Learned counsel for the petitioner submits that



issue raised in the present writ application is no more *res integra*. This issue was examined by a Co-ordinate Bench of this Court in C.W.J.C. No. 10641 of 2008 and analogous cases vide judgment dated 24.03.2009 and affirmed by the L.P.A. Court in L.P.A. No. 607 of 2010 and analogous appeals. Learned counsel for the petitioner also refers to Annexure-9 to contend that the order contained in Annexure-9 is also in faovour of the petitioner, whereby the Block Development Officer, Terhagachh, Kishanganj has written letter to the District Superintendent of Education, Kishanganj in connection with the guidelines for re-appointment on the post of the teachers whose appointment was cancelled.

4. Learned counsel for the petitioner submits that in view of the fact that the case of the petitioner is covered by the judgment of a Co-ordinate Bench of this Court and affirmed by the L.P.A. Court, respondents are required to consider the case of the petitioner on same terms and conditions and grant similar benefit.

5. Considering the above, the respondents are directed to examine the claim of the petitioner in the light of Annexures-10 and 11, the orders passed by a Co-ordinate Bench of this Court in C.W.J.C. No. 10641 of 2008 and analogous cases and affirmed by the L.P.A. Court in L.P.A. No. 607 of 2010 and if it is found that the case of the petitioner is covered by the aforesaid judgments, similar



treatment should be extended to the petitioner also.

6. In view of the above, the impugned order as contained in Annexures- 1 and 2 cannot be given effect to. It shall be kept in abeyance until fresh order is passed by the respondents.

7. Final decision in this regard must be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
Transmission Date	

