

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4601 of 2018

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Ranjan Kumar Gupta Son of Ganga Sao resident of village - Karn Kudariya, P.S. - Mashrakh, District - Saran at Chapra, presently posted as Assistant Teacher, Primary School, Karn Kudariya Uttar Tola, P.S. - Mashrakh, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Karn Kudariya Uttar Tola, Block - Mashrakh, District - Saran at Cha
11. The Panchayat Secretary, Karn Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6552 of 2018

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Anil Kumar Yadav Son of Ramayan Rai, Resident of Village- Dubauli, P.S.- Panapur, District- Saran at Chapra, Presently posted as Assistant Teacher, Primary School, Karn Kudariya Uttar Tola, P.S.- Mashrakh, District- Saran at Chapra.

.. ... Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Karn Kudariya Uttar Tola, Block-



Mashrakh, District- Saran at Chapr

11. The Panchayat Secretary, Karn Kudariya Panchayat, Sarana at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6638 of 2018

Uday Bahadur Son of Satya Narayan Rai, Resident of Village- Dubauli, P.S.- Panapur, District- Saran at Chapra, presently posted as Assistant Teacher, Primary School, Harpur Jan Purab, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Harpur Jan, Purab, Block- Mashrakh, District- Saran at Chapra.
11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6722 of 2018

Kumari Sweta @ Sweta Devi Daughter of Gorakh Ram, resident of Village- Chamanpura, P.S.- Baikunthpur, District- Gopalganj, presently posted as Assistant Teacher, Primary School, Chand Kudariya Hindi, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary HRD, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer Establishment, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.



8. The Block Development Officer-cum- Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Chand Kudariya, Hindi, Block- Mashrakh, District- Saran at Chapra.
11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 6862 of 2018

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Kumari Savita Daughter of Ramprit Singh, resident of Village- Katalpur, P.S.- Baikunthpur, District- Gopalganj, presently posted as Assistant Teacher, Primary School, Harpur Jan Purab, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
10. The Headmaster, Primary School, Harpurjan, Purab, Block- Mashrakh, District- Saran at Chapra.
11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 7652 of 2018

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Sarita Kumari Wife of Sanjiv Kumar, D/o Hari Lal Ram, Resident of Village- Baliya, P.S.- Maharajganj, District- Siwan, presently posted as Assistant Teacher, Primary School, Lakhanpur, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.



4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Lakhanpur, Block- Mashrakh, District-Saran at Chapra.
11. The Panchayat Secretary, Karn Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7788 of 2018

Suman Kumari Daughter of gautam KUMar Mishra, Resident of Village-Harpurjan, P.S.-Mashrakh, District-Saran at Chapra, Presently Posted as Assistant Teacher, New Primary School, Karn Kudariya, Dih Tola, P.S.-Mashrakh, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer, Establishment, Saran at Chapra.
8. The Block Development Officer-Cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, New Primary School, Karn Kudariya, Dih Tola, Block-Mashrakh, District-Saran at Chap
11. The Panchayat Secretary, Karn Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8075 of 2018

Nagendra Prasad Son of Raghuvir Prasad, Resident of Village-Sahadipatti, P.S.-Basantpur, District-Siwan, Presently Posted as Assistant Teacher, Primary School, Sundar, P.S.-Mashrakh, District-Saran at Chapra./

... .. Petitioner/s



Versus

1. The State Of Bihar.
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer, Establishment, Saran at Chapra.
8. The Block Development Officer-Cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Sunder, Block-Mashrakh, District-Saran at Chapra.
11. The Panchayat Secretary, Chand Kudariya Panchayat, saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8682 of 2018

Punam Kumari @ Punam Arun Prasad D/o Raghuvir Prasad, Resident of Village-Asha Khaira, P.S.-Baikunthpur, District-Gopalganj, Presently Posted as Assistant Teacher, Primary School, Chand Kudariya Urdu, P.S.-Mashrakh, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
7. The District Programme Officer, Establishment, Saran at Chapra.
8. The Block Development Officer-Cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra
10. The Headmaster, Primary School, Chand Kudariya Urdu, Block-Mashrakh, District-Saran at Chapra
11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s



with

Civil Writ Jurisdiction Case No. 9210 of 2018

Reshma Kumari Daughter of Bihari Ram resident of Village - Banjariya, P.S. - Mahmadpur, District - Gopalganj, presently posted as Assistant Teacher, Primary School, Sundar, P.S. - Mashrakh, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Sundar, Block - Mashrakh, District - Saran at Chapra.
11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9223 of 2018

Renu Kumari D/o of Basachpati Dixit, Wife of Amrendra Kumar Mishra, resident of Village- Harpurjan, P.S.- Mashrakh, District- Saran at Chapra, presently posted as Assistant Teacher, New Primary School, Harpurjan, Mishra Tola, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum- Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.



9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, New Primary School, Harpurjan, Mishra Tola, Block-Mashrakh, District- Saran at Chapra.
11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9368 of 2018

Chandra Bhushan Kumar Singh Son of Dilip Singh, resident of Village- Karn Kudariya, P.S.- Mashrakh, District- Saran at Chapra, presently posted as Assistant Teacher, Primary School, Harpurjan, West Tola, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Education Officer, Mashrakh, Saran at Chapra.
10. The Headmaster, Primary School, Harpurjan, West Tola, Block- Mashrakh, District Saran at Chapra.
11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4601 of 2018)

For the Petitioner/s : Mr. Bendhyachal Singh, Advocate

For the Respondent/s : Mr. Kameshwar Kumar- GP-17

Mr. S.K. Ranjan, AC to GP-17

(In Civil Writ Jurisdiction Case No. 6552 of 2018)

For the Petitioner/s : Mr. Ram Binod Singh

For the Respondent/s : Mr. Smt. Binita Singh- Sc28

(In Civil Writ Jurisdiction Case No. 6638 of 2018)

For the Petitioner/s : Mr. Ram Binod Singh

For the Respondent/s : Mr. Jitendra Kr. Roy No-1-Sc13

(In Civil Writ Jurisdiction Case No. 6722 of 2018)

For the Petitioner/s : Mr. Ram Binod Singh

For the Respondent/s : Mr. Madanjeet Kumar -Gp20

(In Civil Writ Jurisdiction Case No. 6862 of 2018)



For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.Kameshwar Kumar -Gp17
 (In Civil Writ Jurisdiction Case No. 7652 of 2018)
 For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.Madanjeet Kumar- Gp20
 (In Civil Writ Jurisdiction Case No. 7788 of 2018)
 For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.Smt.Shilpa Singh -Ga12
 (In Civil Writ Jurisdiction Case No. 8075 of 2018)
 For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.Smt.Shilpa Singh -Ga12
 (In Civil Writ Jurisdiction Case No. 8682 of 2018)
 For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.S.C. Mishra- Sc16
 (In Civil Writ Jurisdiction Case No. 9210 of 2018)
 For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.Kameshwar Kumar -Gp17
 (In Civil Writ Jurisdiction Case No. 9223 of 2018)
 For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.Jitendra Kumar Roy No-1 -Sc13
 (In Civil Writ Jurisdiction Case No. 9368 of 2018)
 For the Petitioner/s : Mr.Ram Binod Singh
 For the Respondent/s : Mr.S.C.Mishra -Sc16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 09-09-2019 Heard learned counsel for the petitioner and the
 counsel appearing on behalf of the State.

Interlocutory Application No. 01 of 2019 in the
 present batch of writ applications has been filed by the
 petitioner to place on record, the order of termination.

In view of the averment made in the Interlocutory
 Applications all the interlocutory applications stands allowed.

The present writ application is no more res integra,
 the similar issue was considered by the Division Bench of this
 Court in LPA No. 501 of 2017 has occasion to consider the
 effect of non compliance of principles of natural justice in the
 matter of termination. Relying upon the judgment of the



Division Bench of this Court has considered the similar issue in C.W.J.c. No. 6714 of 2017 vide order dated 02.09.2019.

In view of the decision of the Division Bench and the LPA Court in LPA No. 501 of 2017 dated 14.11.2017 and the order dated 02.09.2019 in C.W.J.C. No. 6714 of 2017, the present writ application is allowed. The order of termination in Interlocutory Application No. 01 of 2019 all the batch of writ applications are quashed. The respondents are directed to be reinstated. However, the monitory benefit shall abide by the inquiry with notice to the petitioner.

Necessary decision in this regard must be taken by the respondents within a maximum period of 90 days from the date of receipt/production of a copy of this order after opportunity of hearing to the petitioner.

With the aforesaid, the batch of writ application allowed and disposed of.

(Anil Kumar Upadhyay, J)

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