

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13122 of 2017

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Md. Tauwab Ali, S/o Md. Abdul Sammad, resident of Village- Tikulia, P.O. Bisanpur Bazar, Block- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The District Education Officer, Madhepura.
3. The District Programme Officer (Establishment), Madhepura.
4. The Block Education Officer, Block- Kumarkhand, District- Madhepura.
5. The Panchayat Secretary, Gram Panchayat Bisanpur, Block- Kumarkhand, District- Madhepura.
6. The Mukhiya, Gram Panchaya, Bisanpur, Block- Kumarkhand, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr.Prabhakar Jha- Gp27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 10.06.2017 contained in Annexure-1 by which the service of the petitioner was dispensed with on the ground that the certificate obtained by the petitioner is not from a recognized University.

Learned counsel for the petitioner has drawn attention of this Court to the order dated 12.12.2011 passed by a Coordinate Bench of this Court in CWJC No. 16278 of 2011 by which the termination order of the similarly circumstanced persons was quashed. The case of the petitioner is similar to the



petitioners of that case. The order dated 12.12.2011 is quoted below:

“Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek quashing of the order dated 29.4.2011 (Annexure-5) issued by the District Superintendent of Education-cum-District Programme Coordinator, Bihar Education Project, Sitamarhi (wrongly stated as having been passed by the Principal Secretary, Human Resources Development Department) as also the subsequent order dated 11.7.2011 issued by the Block Development Officer by which the services of the seven petitioners were dispensed with/dismitted with immediate effect.

All the seven petitioners are Block Teachers and the principal grievance raised by learned counsel for the petitioners is that their services have been terminated without issuing any show cause notice to them and providing them an opportunity of hearing, thereby violating the principles of natural justice.

It is submitted by learned counsel for the petitioners that the petitioners had good grounds to show that the certificates issued to them by the “Board of Higher Secondary Education, Delhi” was that of a recognized institution, whereas the institution mentioned as not recognized in order dated 5.8.2010 issued by the Principal Secretary, Human Resources Development Department is known as



“Secondary Board of Higher Education, New Delhi”. It is urged by learned counsel for the petitioners that apart from the variation in the name the certificates and degrees of the institution from which they have passed out, namely, Board of Higher Secondary Education, is recognized for employment under Central/ State/ Union Territories /Administration and for Education/Higher Education in Indian Boards/Universities for which they have produced in Court a letter dated 29.6.2009 issued as information under RTI Act by the Human Resources Development Department, Department of Secondary & Higher Education, Government of India.

Be that as it may, it is not disputed that the petitioners’ services were terminated without complying with the principles of natural justice. This is particularly relevant in view of the stand taken regarding validity and admissibility of the degree obtained by them.

In the above circumstances, the writ application is allowed. The impugned order dated 11.7.2011 passed by the Block Development Officer terminating the services of the petitioners is quashed. The petitioners are directed to be reinstated in service with all consequential benefits. It would, however, be open to the respondent authorities to take action against the petitioners by issuing fresh notices and passing reasoned order after hearing them in the matter.”



In order to maintain consistency, the present writ application is allowed in similar terms and the impugned order dated 10.06.2017, as contained in Annexure-1, is quashed.

(Anil Kumar Upadhyay, J)

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