

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8920 of 2020

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Mosahib Ali @ Masahib Ali Son of Nasim Akhtar, Resident of Mohalla-Daulatganj, Chik Toli, Police Station-Bhagwan Bazar, District-Saran at Chapra, Presently Posted as Prakhand Techer, Upgraded Middle School, Devadhiya, Ekma-1, P.S.-Ekma, District-Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar 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 Educatuion, 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-Executive Officer, Block-Ekma, District-Saran at Chapra.
9. THe Block Education Officer, Ekma, Saran at Chapra.
10. The Headmaster, Upgraded Middle School, Devadhiya, Ekma-1, P.S.- Ekma, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Advocate
		Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Ms. Abhanjalli, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-03-2021

Heard Mr. Bindhyachal Singh, learned Advocate
for the petitioner and the State.

2. This writ petition has been filed for the
following reliefs:

*(I) For issuance of writ in the
nature of certiorari for quashing of the
letter no. 2031 dated 17.08.2019
issued by the D.P.P. (Establishment),*



Saran at Chapra whereby he directed to the Prakhanda Teacher Selection Unit, Ekma, Saran to take action for termination of service of the petitioner along with direction for the recovery of the amount of the salary.

(ii) For staying the operation of the impugned order contained in letter no. 633 dated 22.06.2020 issued under the signature of Block Development Officer-cum-Secretary, Panchayat Teacher, Selection Unit, Ekma, Saran during the pendency of the writ application.

(iii) For necessary direction upon the respondent authorities to reinstate the petitioner with full back wages and all consequential benefits.

(iv) For necessary direction upon the respondent authorities for allowing the petitioner to mark her attendance in their respective school and also for a direction upon the respondent authorities to make payment of salary to the petitioner during the period of their work.

(v) For necessary direction upon the respondent authorities to pay the arrears of salary to the petitioner with effect from May, 2019.

(vi) For issuance of any other appropriate writ, order or direction, which your Lordships may deem fit and



proper in the facts and circumstances of the case.

3. The petitioner had appeared in the TET Examination, 2011 which was conducted by the Bihar School Examination Board and passed the same for which he was issued a certificate by the BSEB showing that he has obtained 96% marks in Paper-I.

4. The petitioner had applied for appointment as Block Teacher for Class I to V (Urdu) in Ekma Block in the district of Saran. He was appointed on the said post. Later, certain discrepancies were detected with respect to the performance in the TET Examination and the marks obtained and because of that, a further verification of the credentials of those appointees were made.

5. The petitioner started discharging his duties in right earnest.

6. However, an FIR bearing Ekma P.S. Case No. 148 of 2019 came to be lodged on 09.07.2019 in which the petitioner also was made an accused. During the course of investigation of the aforesaid case, it came to light that some of the appointees had forged their TET certificate.

7. The services of the petitioner thereafter was terminated along with a direction for recovery of the salary which had been received by him.



8. The aforesaid order was passed on 22.06.2020 without issuing any show cause notice to him.

9. It has been submitted on behalf of the petitioner that in exactly similar case, a coordinate Bench of this Court *vide* order dated 09.09.2019 passed in CWJC No. 4601 of 2018 (*Ranjan Kumar Gupta v. The State of Bihar and Ors.* and other analogous cases) has considered the issue involved in the present case and has set aside the order of termination as well as the order of recovery of the salary which was paid to the petitioner therein. Such order was also upheld in the LPA No. 501 of 2017/*Ajit Kumar v. The State of Bihar and Ors.*

10. There is no dispute with respect to the above stated facts by the counsel for the State.

11. Having regard to the aforesaid facts and circumstances of the case, the order of termination of the petitioner is set aside. The petitioner is directed to be reinstated in service.

12. The monetary benefits to the petitioner for the period that he had remained terminated shall abide by the inquiry which would be conducted by the respondents, if so advised, after due notice to the petitioner.

13. It is also clarified that the inquiry, if any, shall be conducted in accordance with the prescribed procedure and law in that regard and thereafter a final decision shall



be taken expeditiously, after affording an opportunity of hearing to the petitioner.

14. The writ petition stands allowed and disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2021
Transmission Date	

