

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8928 of 2020

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Nafis Alam @ Nashif Alam Son of Md. Salim, Resident of Village-Piyano, Police Station- Kopa, District-Saran at Chapra, Presently Posted as Prakhand Teacher, Govt. basic School, Upgraded Middle School, Bishunpura Kala, Ekma-I, Parkhand-Ekma, P.S.-Ekma, 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-Executive Officer, Block-Ekma, District-Saran at Chapra.
9. The Block Education Officer, Ekma-1, Saran at Chapra.
10. The Headmaster, Upgraded Middle School, Bishunpura Kala, Ekma-1, District-Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhyachal Singh, Advocate
		Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 22-02-2021

The present writ petition has been filed seeking 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.O. (Establishment), Saran at Chapra, whereby he directed to the Prakhand 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 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 petition.*
- (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.*

The brief facts of the case are that the petitioner had appeared in TET examination, 2011 conducted by the Bihar School Examination Board and had passed the said examination whereafter a certificate was issued by the Bihar School Examination Board. The petitioner is stated to have then been appointed as Prakhanda Teacher in the Urdu subject in Ekma Prakhanda, District-Saran vide Memo No. 812 dated



01.09.2014 pursuant whereof the petitioner had submitted a joining in the Upgraded Middle School, Bishunpura Kala, Ekma-1, Saran at Chapra on 12.09.2014 and then his service book was also opened. The petitioner is stated to have been discharging his duties to the satisfaction of all concerned, however, suddenly one FIR bearing Ekma P.S. Case No. 148 of 2019 was instituted against him on 09.07.2019, inter alia alleging therein that the TET certificate of the petitioner is forged. The petitioner is then stated to have been dismissed from service by an order dated 22.06.2020 issued by the Block Development Officer, Ekma, Saran and the amount of salary paid to him has also been directed to be recovered.

The learned counsel for the petitioner Shri Vindhyachal Singh has submitted that the services of the petitioner has been terminated without either issuing a show cause notice to him or holding a full fledged departmental proceeding, hence the principles of natural justice has been violated. In this regard, the learned counsel for the petitioner has submitted 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 vs. The State of Bihar & Orrs.) and other analogous cases, has considered the issue



involved in the present case and has not only set aside the order of termination but has also quashed the order of recovery of the writ petitioners of the said cases. The learned counsel for the petitioner has further submitted that the issue under consideration has also been considered by the learned Division Bench in its judgment dated 14.11.2017 passed in LPA No. 501 of 2017 (Ajit Kumar vs. The State of Bihar & ors), whereby and whereunder the order of termination of the writ petitioner therein had been quashed.

The learned counsel for the State has not disputed the position as is existing in law and has also submitted that the present case is squarely covered by the aforesaid decision rendered in the case of Ranjan Kumar Gupta (supra).

Having regard to the facts and circumstances of the case, considering the law laid down by this Court, more particularly in the case of Ranjan Kumar Gupta (supra) and in the case of Ajit Kumar (supra), this Court deems it fit and appropriate to set aside the order of termination of the services of the petitioner dated 22.06.2020, passed by the Block Development Officer, Ekma, District-Saran.

Consequently, the respondents are directed to reinstate the petitioner, however, the monetary benefits of the petitioner,



for the period he remained terminated, shall be abide by the enquiry to be conducted by the respondents, if so advised, after due notice to the petitioner.

It is needless to state that the enquiry, if any, shall be conducted as per the prescribed procedure and in accordance with law, whereafter the final decision shall be taken expeditiously, upon receipt/production of a copy of this order after affording an opportunity of hearing to the petitioner.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2021
Transmission Date	

