

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1148 of 2018

In
Civil Writ Jurisdiction Case No.4657 of 2015

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Arun Kumar S/o Shri Radheshyam Prasad, Resident of village - Dhumnagar,
Katchari Tola, P.S.- Nautan, District - West Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Collector-cum-District Magistrate, Bettiah, West Champaran.
4. The District Education Officer, Bettiah, West Champaran.
5. The Block Education Officer, Nautan Block, Nautan, District - West Champaran.
6. The Block Development Officer, Nautan Block, Nautan, District - West Champaran.
7. The Mukhiya, Gram Panchayat Raj Jamunia, Block Nautan, West Champaran.
8. The Panchayat Teachers Employment Unit, Gram Panchayat Raj Jamunia, Block Nautan, West Champaran th
9. The Panchayat Sachiv-cum-Member Secretary, the Panchayat Teachers Employment Unit, Gram Panchayat R
10. The Bihar School Examination Board, Bihar, Patna through its Secretary.
11. The Secretary, Bihar School Examination Board, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. Shashi Shekhar Tiwary, AC to AAG-13
For the BSEB	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-08-2022

Heard the learned counsels for the parties.

2. In the instant Letters Patent Appeal, appellant has
questioned the validity of the order of the learned single Judge



dated 11.05.2018 passed in C.W.J.C. No. 4657 of 2015.

3. Appellant is stated to have been appointed as a teacher and thereafter he was asked to hold the post of Headmaster on In-charge basis. Official respondents noticed that the appellant is stated to have furnished educational qualification- certificates which were not in order and the same were not in terms of the relevant rules of recruitment. Thus, services of the appellant was relieved from the post of Headmaster on 17.07.2014, vide Memo No. 411 by the 5th Respondent and it was subject-matter of C.W.J.C. No. 4657 of 2015. On 11.05.2018, the learned single Judge decided the matter against the appellant. It is to be noted that during pendency of C.W.J.C. o. 4657 of 2015, appellant's services were terminated on 11.02.2016. Feeling aggrieved and dissatisfied with the order of termination, appellant is stated to have preferred appeal before the appellate authority and it was rejected by the appellate authority on 05.01.2018, vide Appeal No. 759 of 2017. Thereafter, on 11.05.2018, the date on which writ petition was taken up for disposal, appellant is stated to have filed Interlocutory Application No. 3817 of 2018 in which he has sought for following reliefs:-

“1. That this interlocutory application is being filed for addition of the



following prayer as prayer no. E to the main writ petition:-

“To issue appropriate writ, order/s, direction quashing the followings:-

(i) To quash the order dated 11.02.2016 contained in letter no. 08 issued by the respondent no. 9 whereby and where under the employment of the petitioner as panchayat teacher has been cancelled (Annexure-12).

(ii) To quash the order dated 28.05.2016 passed by District Teachers appellate authority, Bettiah, West Champaran whereby and where under the cancellation of employment of the petitioner has been upheld (Annexure-13).

(iii) To quash the order dated 05.01.2018 passed in token appeal no. 759/2017 by state appellant authority, Patna whereby and where under the appeal preferred by the petitioner against the aforesaid orders has been dismissed (Annexure-14).”

4. During pendency of the aforesaid Interlocutory Application on 11.05.2018 itself the learned single Judge has decided the appellant's grievance relating to Headmaster without considering the grievance stated in the Interlocutory Application No. 3817 of 2018.

5. In the light of these facts and circumstances, no interference is called for in so far as the order of the learned single Judge dated 11.05.2018 passed in C.W.J.C. No. 4657 of 2018 in so far as grievance of the appellant as against



headmaster post.

6. Accordingly, the present L.P.A. stands dismissed reserving liberty to the appellant to question the validity of the termination order dated 11.02.2016 read with the appellate authority's order dated 05.01.2018 passed in Appeal No. 759 of 2017 and such other relief in filing afresh writ petition.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.08.2022
Transmission Date	

