

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8180 of 2021

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Gita Singh Wife of Krishna Nandan Singh resident of Samta Colony (Bari Yusufpur), Hajipur, P.S. Hajipur, District- Vaishali (Hajipur), Pin - 844101.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The District Education Officer, Jehanabad.
5. The District Programme Officer, Jehanabad.
6. The District Education Officer, Vaishali at Hajipur.
7. The District Programme Officer, Vaishali at Hajipur.
8. The Block Education Officer, Hajipur, District- Vaishali at Hajipur.
9. The Head Master, Middle School, Meenapur, Vashali, District- Vaishali.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

For the Respondent/s : Mr.Subash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-09-2023 This writ application has been filed seeking the following reliefs:-

“(i) For quashing the order dated 26.09.2019, contained in Memo No. 1269 issued under the signature of the Principal Secretary, Education Department, Government of Bihar, Patna, whereby and where under the prayer made by the petitioner through the representation dated 06.02.2018, was rejected. Through the said representation, the petitioner had prayed for her reinstatement to the post of Assistant Teacher and for payment of arrears of salary since 02.05.2015.

(ii) To quash the communication made vide memo no. 2934 dated 02.05.2015 of the District Education Officer, Vaishali, whereby and where under the services of the petitioner as Assistant Teacher of Middle School, Meenapur, Vaishali, District- Vaishali, has been terminated.



(iii) For directing the concerned respondents /authorities to reinstate the petitioner on the post of Assistant Teacher in the Middle School, Meenapur, Vaishali, District- Vaishali with effect from the date of termination i.e. 02.05.2015.

(iv) To direct the concerned respondents/authorities to make payment of arrears of salary for the period 01.03.2014 to 08.06.2015 during which period the petitioner has undisputedly discharged her duty.

(v) To direct the concerned respondents/authorities to make payment of arrears of salary from her date of termination i.e. from 08.06.2015 till the date of her reinstatement.”

2. Learned counsel for the petitioner submits that this case would be covered by the recent judgment dated 28.08.2023 delivered by the Hon’ble Division Bench of this Court in L.P.A. No. 1254 of 2016 arising out of CWJC No.16580 of 2014 and other analogous matters.

3. It is submitted that this petitioner also figured in the list of 34,540 Elementary Teachers approved by the Hon’ble Apex Court on the recommendation made by Hon’ble Mr. Justice S.K. Chattopadhyay (Retd.) Committee.

4. Learned counsel submits that the Hon’ble Supreme Court has in it’s judgment in SLP (C) No. 26824 of 2012 directed inter-alia as under:-

“... We make it clear that none of the persons appointed out of the 34,540 vacancies should be disturbed in any way, but the question of filling up the balance vacancies may be taken into consideration, while disposing of the applications in



question.”

5. It is, in view of the aforementioned clarity given by the Hon’ble Supreme Court in it’s judgment, the Hon’ble Division Bench of this Court has held in L.P.A. No. 1254 of 2016 and other analogous matters that there could be no termination on the basis of a further verification. The views expressed by the Hon’ble Division Bench of this Court may be found in paragraph ‘16’ as under:-

“16. We are of the definite opinion that in the present case where all the party-respondents were appointed as per the directions of the Hon’ble Supreme Court, under the supervision of Justice Chattopadhyay, cannot be terminated on grounds of qualifications not having been properly verified; unless otherwise permitted by the Hon’ble Supreme Court. The party respondents were appointed after their eligibility being settled by Justice Chattopadhyay, appointed by the Hon’ble Supreme Court, to oversee the selection and appointment of teachers to the vacant posts, identified as available, as per the undertaking made by the State before the Hon’ble Supreme Court. Though the verification of credentials and qualifications of the candidates were directed to be done, there could be no such verification at this late stage. As noticed by the learned Single Judge in the impugned judgment the State ought to have been more vigilant when the appointments were carried out.”



6. Learned counsel for the State is present. It is submitted that if the petitioner is an appointee from the list of 34,540 candidates which was approved by the Hon'ble Supreme Court, then the Hon'ble Division Bench judgment would be applicable in her case as well.

7. Having regard to the submissions noted hereinabove, in view of the developments in the form of Hon'ble Division Bench judgment in L.P.A. No. 1254 of 2016 and other analogous cases, this Court sets aside the impugned order of termination and directs the respondents to consider the case of the petitioner keeping in view the Bihar Litigation Policy, 2011 in the light of the judgment of this Court rendered in L.P.A. No. 1254 of 2016 and other analogous matters and grant similar benefits to the petitioner as have been given to the other terminated teachers of the said list.

8. The petitioner has also made a prayer for a direction to pay her arrear of salary from the date of termination i.e. from 02.05.2015 till the date of reinstatement. So far as this prayer is concerned, again this Court would observe that the petitioner would be entitled for the identical reliefs which have been granted to the petitioners in CWJC No. 16580 of 2014 which was subject matter of challenge in LPA No. 1254 of



2016.

9. Let the entire exercise be completed within a period of three months from the date of receipt/production of a copy of this order.

10. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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