

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2835 of 2019

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Jitendra Kumar Maurya, Son of Sri Kameshwar Singh, Resident of Village
Sonhar, Police Station Shiv Sagar, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna
2. The Director, Secondary Education Department, Bihar, Patna
3. The District Education Officer, Sasaram, Rohtas
4. The Block Education Officer, Sasaram, Rohtas
5. The District Programme Officer, Sasaram, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratan Kumar, Advocate Mr. Rupak Kumar, Advocate
For the Respondent/s	:	Mr. Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-08-2023 **I.A. No.1 of 2021**

Since this writ application is being heard on merit, the interlocutory application has become infructuous and the same is being disposed of accordingly.

2. Petitioner in this case is aggrieved by and dissatisfied with the letter no.687 dated 20.12.2018 (Annexure- 'P1' to the writ application) issued under the signature of the Director, Secondary Education whereby and whereunder the Director, Secondary Education has written to the District Education Officer, Rohtas and Kishanganj that he had taken services of the guest teachers without obtaining any departmental approval after 05.08.2018.



3. It is stated that the petitioner was appointed as a guest teacher in Chemistry in the District of Rohtas on fixed remuneration. It is his submission that he was asked to join as guest teacher in Gangotri Project +2 Girls High School, Chenari, Rohtas vide invitation letter dated 03.12.2018 issued by the Principal of the school and the petitioner joined there on the same day. In paragraph '11' of the writ application, it is, however, stated that the engagement of the petitioner as a guest teacher has been cancelled for the reason reflecting in the impugned order (Annexure- 'P1'). The letter of the engagement of the petitioner as guest teacher has been brought on record as Annexure- 'P4' to the writ application, however, the letter cancelling the engagement of the petitioner has not been brought on record.

4. Learned counsel for the petitioner submits that earlier this Court had occasion to consider identical cases of the petitioners in CWJC No.23 of 2020 and other analogous cases. This Court examined the case of the petitioners in those writ applications who were working as guest teachers in the district of Bettiah, Aurangabad, Rohtas and Sasaram. This Court stayed the operation of the impugned order vide order dated 17.04.2020 after noticing that the petitioners' services were terminated at the cost of students under going instructions in the Government run Educational Institutions and further that the teachers had not been



given any opportunity of hearing before passing the impugned order. Later on those writ applications were allowed. This Court took note of the fact that some of the teachers who were appointed after 05.08.2018 were allowed to continue while in some other districts their services were dispensed with after a period of taking work for more than a year. This Court took a view that the only reason shown by the department is that the District Education Officer had not taken prior sanction from the Principal Secretary, there was no doubt that the District Education Officer was the competent authority, therefore, this Court held that such appointments were at best irregular and post facto sanction could have been taken from the Principal Secretary.

5. Learned counsel submits that the case of the petitioner deserves consideration in identical terms of the judgment of this Court rendered in CWJC No.23 of 2020 and other analogous cases.

6. Learned counsel for the State has opposed this writ application. In the counter affidavit an identical plea has been taken on behalf of the State which was taken in CWJC No.23 of 2020 and other analogous cases.

7. This Court finds that the case of the petitioner stands on similar footing with that of those who were petitioners in CWJC No.23 of 2020 and other analogous cases. This Court also



finds that the judgment of this Court in those cases passed on 13.04.2022 contains observations with respect to all such appointments/engagement of guest teachers which were made after 05.08.2018 and those observations would also apply in the case of the petitioner.

8. This Court, therefore, allows this writ application in terms of the judgment of this Court in CWJC No.23 of 2020 and other analogous cases. If the petitioner has been removed, the respondents shall consider reinstating him within a period of two months and to continue him in service till regularly selected candidates are made available against those posts. If the petitioner has continued during the pendency of the writ application, he would be entitled for continuity in service till regularly selected candidates are brought and other consequential benefits, if any.

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

(Rajeev Ranjan Prasad, J)

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