

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5702 of 2023

Manju W/o Amrendra Kumar, Resident of Village and P.O.-Belwar, P.S.-
Vaishali, District-Vaishali, posted as Assistant Teacher, Govt. Middle School,
Gorigama Dih, Sariya, Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Education
Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar,
Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer (Establishment) Muzaffarpur.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 3604 of 2023

Madhusudan Mandal Son of Arjun Mandal, Resident of Village- Raghapur,
P.O. Bhikhanpur, P.S. Meenapur, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education
Department, Patna.
2. The Additional Chief Secretary, Education Department, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Joint Secretary, Department of Education, Government of Bihar, Patna.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer (Estab), Muzaffarpur.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 5702 of 2023)

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate

For the Respondent/s : Mr.Madhaw Pd. Yadaw, GP-23

Mr. Arvind Kumar, AC to GP-23

(In Civil Writ Jurisdiction Case No. 3604 of 2023)

For the Petitioner/s : Mr.Ram Vinay Pd. Singh, Advocate

For the Respondent/s : Mr.Jitendra Kumar Roy 1, SC-13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-09-2023 Learned counsel for the petitioner in both the writ
applications submit that these cases would be covered by the



recent judgment dated 28.08.2023 delivered by 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.

2. It is jointly submitted by learned counsel for the petitioners that these petitioners 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.

3. Learned counsel submits that the Hon'ble Supreme Court has in its 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.”

4. It is, in view of the aforementioned clarity given by the Hon'ble Supreme Court in its 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.”

5. Learned counsel for the State in both the writ applications are present. It is submitted that if the petitioners are appointees 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 their cases as well.



6. 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 orders of termination in the respective writ applications and directs the respondents to consider the case of the petitioners keeping in view the Bihar Litigation Policy, 2011 in the light of the judgments of this Court rendered in L.P.A. No.1254 of 2016 and other analogous matters and grants similar benefits to the petitioners as have been given to the other terminated teachers of the said list.

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

8. Both the writ applications are allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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