

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11123 of 2016

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Mumtaz Ahmad Son of Late Mobarak Hussain resident of village - Hasanpur,
P.S. Belaganj, District - Gaya

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Joint Secretary, Education Department, Government of Bihar, Patna
4. The Director, Primary Education, Government of Bihar, Patna
5. The Director, Research and Training, Government of Bihar, Patna
6. The District Education officer, Jehanabad
7. The District Programme officer Establishment, Jehanabad
8. The Registrar, Magadh University, Bodh Gaya

... .. Respondents

with

Civil Writ Jurisdiction Case No. 11239 of 2016

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Binod Sharma son of Nand Kishor Sharma, resident of Village Rarhil, P.S.
Telhara, District Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna,
3. The Joint Secretary, Education Department, Government of Bihar, Patna,
4. The Director, Primary Education, Government of Bihar, Patna,
5. The Director, Research and Training , Government of Bihar, Patna.
6. The District Education Officer, Jehanabad,
7. The District Programme Officer, Establishment, Jehanabad.
8. The Registrar, Magadh University, Bodh-Gaya.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 11240 of 2016

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Vijay Kumar Prasad son of Late Rameshwar Prasad, resident of Village P.O.
Ikkil, P.S. Makhdumpur, District Jehanabad.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna,



3. The Joint Secretary, Education Department, Government of Bihar, Patna,
4. The Director, Primary Education Government of Bihar, Patna,
5. The Director, Research and Training , Government of Bihar, Patna.
6. The District Education Officer, Jehanabad, null null
7. The District Programme Officer, Establishment, Jehanabad.
8. The Registrar, Magadh University, Bodh-Gaya.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 11244 of 2016

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Shambhu Sharma son of Shri Ram Singh, resident of Village Barai, P.S. Islampur, District Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Government of Bihar, Patna,
3. The Joint Secretary, Education Department, Government of Bihar, Patna,
4. The Director, Primary Education, Government of Bihar, Patna,
5. The Director, Research and Training , Government of Bihar, Patna.
6. The District Education Officer, Jehanabad,
7. The District Programme Officer, Establishment, Jehanabad.
8. The Registrar, Magadh University, Bodh-Gaya.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 11312 of 2016

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Ram Bhawan Singh son of Late Rajnandan Singh resident of village Rarhil, P.S. Telhara, District Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna
5. The Director, Research and Training, Government of Bihar, Patna.
6. The District Education Officer, Jehanabad.
7. The District Programme Officer, Establishment, Jehanabad.
8. The Registrar, Magadh University, Bodh Gaya.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 13788 of 2019

1. Nand Kishore Upadhaya Son of Punyanath Upadhaya Village- Kushdekunwari, P.O.- Jaitipur, P.S.- Lalganj, District- Vaishali.
2. Ashok Kumar Son of Gaya Prasad Singh Village- Shyampur, P.O.- Habjpura, P.S.- Vaishali, District- Vaishali.
3. Shrawan Kumar Son of Late Rajnandan Rai Village- Akbarpur, P.O.- Sothatha, P.S.- Bhagwanpur, District- Vaishali.
4. Mohan Kochar Son of Shri Jaichandra Kochar Village and P.O.- Prataptanda, P.S.- Bhagwanpur, District- Vaishali.
5. Manish Mohan Kochar Son of Shri Jai Chandra Kochar Village and P.O.- Prataptanda, P.S.- Bhagwanpur, District- Vaishali.
6. Upendra Rai Son of Shri Chandradeep Rai Village and P.O.- Sothioatha, P.S.- Bhagwanpur, District- Vaishali.
7. Surendra Singh Son of Shri Rameshwar Singh Village and P.O.- Bandey, P.S.- Bhagwanpur, District- Vaishali.
8. Jai Mangal Singh Son of Chandradeo Singh Village and P.O.- Bishunpur Bandey, Via- Bhagwanpur, District- Vaishali.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary Education, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Education West Champaran at Bettiah.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 16841 of 2021

1. Iffat Ara, D/o Syed Iqbal Ahmad, Resident of Mohalla Khanquah, Lal Fatak, Bihar Sharif, P.S. Laheri, District - Nalanda.
2. Md. Aqeel Ahmad, S/o Maulana Md. Zafiruddin, Resident of Mohalla Bel-Tal, P.S. Bihar Sharif, District - Nalanda.
3. Shabbir Hasan Gilani, S/o Hasan Zakaria Gilani, Resident of Mohalla Syed Tola, P.O. and P.S. Asthawan, District - Nalanda.
4. Shaheen Mallick, D/o Late Abdul Quayum, Resident of Mohalla - Khanquah Makhdumbagh, Bihar Sharif, P.O. and P.S. Laheri, District - Nalanda.
5. Chandra Bhusan Prasad Chakrapani, S/o Late Gyan Mahto, Resident of Village - Sandih, P.O. Pyarepur and P.S. Giriya, District - Nalanda.
6. Ram Bilas Tanti, S/o Late Chamari Tanti, Resident of Village - Muzaffarpur, P.O. - Kathauli, P.S. - Noorsarai, District - Nalanda.
7. Kausar Bano, D/o Late Syed Athar Sajjad, Resident of Mohalla Khanquah, P.O. and P.S. - Bihar Sharif, District - Nalanda.



8. Md. Shaqeel Ahmad, S/o Late Syed Abdul Mannan, Resident of Mohalla Kaghzi, P.O. and P.S. - Bihar Sharif, District - Nalanda.

... .. Petitioners

Versus

1. The State of Bihar, through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Nalanda at Bihar Sharif.
4. The District Programme Officer (Establishment), Nalanda at Bihar Sharif.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16863 of 2021

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Ila Kumari W/o Sri Sailendra Kumar Singh resident of Village Sathopur, P.O. Maghra, P.S. Deepnagar, District Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Nalanda at Bihar Sharif.
4. The District Programme Officer (Establishment), Nalanda at Bihar Sharif.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16953 of 2021

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1. Mina Kumari, W/o Sri Ram Pyare Prasad, resident of Village Jalalpur, P.O. Nirpur, P.S. Nalanda, District Nalanda.
2. Bhola Prasad, S/o Ganga Singh, resident of Village Karan Bigha, P.O. Shankardih, P.S. Parwalpur, District Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Nalanda at Bihar Sharif.
4. The District Programme Officer (Establishment), Nalanda at Bihar Sharif.

... .. Respondents

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with



Civil Writ Jurisdiction Case No. 16974 of 2021

- 1(i) Ramrati Devi, wife of Late Raj Kumar Prasad, R/o Village- Newazi Bigha, P.O.- Hargawan, P.S.- Manpur, District- Nalanda.
- 1(ii) Sunita Kumari, D/o Late Raj Kumar Prasad, R/o Village- Newazi Bigha, P.O.- Hargawan, P.S.- Manpur, District- Nalanda.
- 1(iii) Madhu Kumari, D/o Late Raj Kumar Prasad, R/o Village- Newazi Bigha, P.O.- Hargawan, P.S.- Manpur, District- Nalanda.
- 1(iv) Santosh Kumar, S/o Late Raj Kumar Prasad, R/o Village- Newazi Bigha, P.O.- Hargawan, P.S.- Manpur, District- Nalanda.
- 1(v) Rajesh Kumar, S/o Late Raj Kumar Prasad, R/o Village- Newazi Bigha, P.O.- Hargawan, P.S.- Manpur, District- Nalanda.
2. Md. Abulais S/o Abdul Qayum Ansari R/o Mohallah Chhajju Damri Talab, P.O. and P.S.- Biharsharif, District- Nalanda.
3. Ranjeet Kumar S/o Late Shukra Ram R/o Village- Pathraura, P.O.- Doia, P.S.- Noorsarai, District- Nalanda.
4. Md. Akwal @ Eqawal S/o Md. Ibrahim R/o Village- Mahadeo Bigha, P.S.- Sakraudha, P.S.- Noorsarai, District- Nalanda.
5. Rajmani Prasad S/o Ram Ishwar Pasad Yadav R/o Village- Golapur, P.O.- Maghra, P.S.- Deepnagar, District- Nalanda.
6. Shravan Kumar S/o Late Hari Mahto R/o Village- Rasalpur, P.O. and P.S.- Bind, District- Nalanda.

... .. Petitioners

Versus

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

... .. Respondents

with

Civil Writ Jurisdiction Case No. 2602 of 2023

1. Ramdip Singh Son of Late Ram Baran Singh Resident of Village- Chandpura Saidabad, P.O.- Mohanpur, P.S.- Bidupur, District- Vaishali.
2. Vinay Kumar Singh Son of Sri Akshayvat Singh Resident of Village- Chandpura Saidabad, P.O.- Mohanpur, P.S.- Bidupur, District- Vaishali.
3. Ajit Kumar Singh, Son of Late Ram Uddeshya Singh Resident of Village- Majlishpur, P.O.- Govindpur Gokhula, P.S.- Bidupur, District- Vaishali.

... .. Petitioners

Versus

1. The State of Bihar through the Additional Chief Secretary, Education



Department, Govt. of Bihar, New Secretariat, Patna.

2. The Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, New Secretariat, Patna.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 2776 of 2023

1. Shiv Nath Singh Son of Prayag Singh Resident of Village- Gopalpur, P.O.- Govindpur Gokhula, P.S.- Bidupur, District- Vaishali.
2. Arun Kumar Rai, Son of Indradeo Rai, Resident of Village- Thanpur, P.O.- Parmanandpur, P.S.- Mahnar, District- Vaishali.

... .. Petitioners

Versus

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

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 11123 of 2016)

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Magadh University: Ms.Prakritita Sharma, Advocate

For the Respondents : Mr.Amarjeet, Advocate

(In Civil Writ Jurisdiction Case No. 11239 of 2016)

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Magadh University: Mr.Sunil Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 11240 of 2016)

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

For the Magadh University: Ms.Prakritita Sharma, Advocate

For the Respondents : Mr.Amarjeet, Advocate

(In Civil Writ Jurisdiction Case No. 11244 of 2016)

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Respondent/s : Mr. Gautam Bose, AAG-8

(In Civil Writ Jurisdiction Case No. 11312 of 2016)

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Respondent/s : Mr.S.Raza Ahmad, AAG-9

(In Civil Writ Jurisdiction Case No. 13788 of 2019)

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Respondent/s : Mr.Amit Bhushan, AC to GP-17

(In Civil Writ Jurisdiction Case No. 2602 of 2023)



For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
 For the Respondent/s : Mr.Prabhakar Jha (GP-27)
 Mr.Umesh Narayan Dubey, AC to GP-27
 (In Civil Writ Jurisdiction Case No. 2776 of 2023)
 For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
 For the Respondent/s : Mr.Madhaw Pd. Yadaw (GP-23)
 Mr.Rajesh Kumar Sinha, AC to GP-23(In Civil
 (In Civil Writ Jurisdiction Case No. 16841 of 2021)
 For the Petitioner/s : Mr.Ram Sagar Singh, Advocate
 For the Respondent/s : Mr.Madhaw Prasad Yadaw (GP-23)
 Mr.Arvind Kumar, AC to GP-23
 (In Civil Writ Jurisdiction Case No. 16863 of 2021)
 For the Petitioner/s : Mr.Ram Sagar Singh, Advocate
 For the Respondent/s : Mr.Madhaw Prasad Yadaw (GP-23)
 Mr.Arvind Kumar, AC to GP-23
 (In Civil Writ Jurisdiction Case No. 16953 of 2021)
 For the Petitioner/s : Mr.Ram Sagar Singh, Advocate
 For the Respondent/s : Mr.Amit Bhushan, AC to GP-17
 (In Civil Writ Jurisdiction Case No. 16974 of 2021)
 For the Petitioner/s : Mr.Ram Sagar Singh, Advocate
 For the Respondent/s : Mr.Amit Bhushan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 14-09-2023 On the mentioning made by learned counsel for the petitioners in these writ applications that now the issues raised in these writ applications would be covered by the judgment of the Hon'ble Division Bench rendered on 28.02.2023 in LPA No. 1254 of 2016 and other analogous appeals, these cases have been listed for consideration.

2. The common grievance of the petitioners in these writ applications is that having been appointed as a 'Teacher' in the Middle School by virtue of their names appearing in the list prepared by Hon'ble Mr. Justice S.K. Chattopadhyya (Retired) Committee to fill up 34,540 vacancies and they have been allowed to join their respective posts, their services have been terminated later on, on the ground that they did not possess a



valid training certificate. A prayer has been made in all these writ applications to quash the impugned memo by which the services of the petitioners have been terminated. A further prayer has been made to direct the respondents to reinstate the petitioners on their respective posts with consequential benefits.

3. Learned counsel for the petitioners have cited several judgments of this Court to submit that in similar circumstance when the services of other teachers whose names appeared in the list of 34,540 vacancies came to be terminated and the same was challenged before this Court, this Court held that because the Hon'ble Apex Court in clear terms restrained any court from interfering with the appointment, it is difficult for the Court to approve any executive action in breach of the direction of the Hon'ble Supreme Court.

4. Learned counsel has placed before this Court a recent judgment of 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 appeals in which a challenge to the different judgments of the learned Writ Court at the instance of the State of Bihar came to be considered by the Hon'ble Division Bench.

5. The Hon'ble Division Bench, however, refused to



interfere with the judgment of the learned Writ Court and once again took a view that where all the party respondents were appointed as per the direction of the Hon'ble Supreme Court, under the supervision of Justice S.K.Chattopadhyaya, they cannot be terminated on the ground of qualification not having been properly verified unless otherwise permitted by the Hon'ble Supreme Court.

6. Learned counsel for the State in all these writ applications are present. They admit at the Bar that these cases would be covered by the judgment of the Hon'ble Division Bench as referred hereinabove. It has also been pointed out that this Court has passed several orders in similar matters disposing of the writ applications after setting aside the impugned orders of termination with direction to the respondents to consider the case of the petitioners in those cases keeping in view the Bihar Litigation Policy, 2011 in the light of the judgment of this Court in L.P.A. No. 1254 of 2016 and other analogous matters and to grant similar benefits to the petitioners as have been given to other terminated teachers of the said list.

7. Having heard learned counsel for the petitioners and the State and this being an admitted position that these cases would be covered by the judgment of the Hon'ble Division



Bench, this Court is disposing of all these writ applications in terms of its own order dated 08.09.2023 passed in **CWJC No. 24355 of 2018 (Noorus Sabah vs. The State of Bihar and Ors.)** and other analogous matters. The operative part of the order passed in the case of **Noorus Sabah** (supra) is being reproduced hereunder for a ready reference:-

“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 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.”

8. The impugned orders in respective writ applications are set aside. The respondents are directed accordingly in terms of the aforementioned judgment of this Court.

9. In CWJC No. 16974 of 2021 during pendency of the writ application the original petitioner has died. A substitution application being I.A. No. 1 of 2022 has been



allowed and the legal heirs of the original petitioners have been brought on record. In that view of the matter, while the directions issued by this Court in this order would apply equally in all these cases of all the writ applications, so far as CWJC No. 16974 of 2021 is concerned, in the said case, the consequential benefits, if any, would be payable to the substituted legal heirs.

10. All these writ applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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