

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.427 of 2016

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Bishwanath Singh, Son of Sukhdeo Singh, R/o Village- Panapur Silauthar,
P.S.- Jandaha, District - Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education, Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The District Programme Officer Establishment, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer Establishment, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 6925 of 2016

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1. Dinesh Kumar Singh, Son of Sri Ganesh Singh, Resident of Village Post Mukundpur Bhath, P.S. Jandaha, Distt. Vaishali.
 2. Ashok Kumar Singh, Son of Late Damodar Prasad Singh, Resident of village- Agrail, P.S. Baligaw, Distt. - Vaishali.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Joint Secretary, Education Department, Government of Bihar, Patna
4. The District Programme Officer (Establishment), Jehanabad
5. The District Education Officer, Jehanabad

... .. Respondents

with

Civil Writ Jurisdiction Case No. 20579 of 2021

- =====
1. Bimlesh Kumar, S/o Awadhesh Prasad, R/o Surodha Colony, Koilwar, P.S.- Koilwar, District- Bhojpur at present posted as Assistant Teacher, Middle School Madawana, Dinara, District- Rohtas at Sasaram.
 2. Anju Sharma, D/o Parmeshwar Dayal Sharma, R/o Raja Bazar Bihia, P.S.- Bihia, District- Bhojpur, at present posted as Assistant Teacher, Utkramit Middle School, Parmanandpur, District- Rohtas.

... .. Petitioners

Versus

1. The State of Bihar.



2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The District Education Officer, Rohtas at Sasaram.
5. The Block Education Officer cum Drawing and Disbursing Officer, Middle School Dawath, District- Rohtas at Sasaram.
6. The Block Education Officer, Dinara, District- Rohtas at Sasaram.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 427 of 2016)

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

For the Respondent/s : Mr. Ajay, GA- 12

(In Civil Writ Jurisdiction Case No. 6925 of 2016)

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

For the Respondent/s : Mr. Umesh Narayn Dubey, AC to GP-27

(In Civil Writ Jurisdiction Case No. 20579 of 2021)

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Hari Mohan Mishra, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 21-09-2023 Heard learned counsel for the petitioners and learned counsel for the State in all these writ applications.

2. The petitioner in C.W.J.C. No. 427 of 2016 are challenging the memo no. 6710 Patna dated 26.08.2015 issued under the signature of the District Education Officer and District Programme Officer (Establishment), Patna whereas the petitioners in C.W.J.C. No. 6925 of 2016 are challenging the office order dated 24.11.2015 as contained in Memo No. 3100 (Annexure '7') and Memo No. 3126 (Annexure '12') respectively by which the service of the petitioners in C.W.J.C. No. 6925 of 2016 has been terminated.

3. The appointment of petitioners in C.W.J.C. No.



20579 of 2021 was rejected by the respondents vide Memo No. H-193 dated 11.05.2019 annexed as Annexure '12' to the writ application.

4. 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.

5. 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.

6. 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.

7. 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. One of those cases is **CWJC No. 24355 of 2018 (Noorus Sabah vs. The State of Bihar and Others).**

8. 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 the case of **Noorus Sabah** (supra) 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.”

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

10. All these writ applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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