

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16717 of 2016

1. Yogendra Prasad Tiwary, Son of Late Dharmnath Tiwary, Resident of Village - Dhanauti, P.S. Dhuraundha, District – Siwan.
2. Sunaina Devi, Wife of Chandradeo Pandit, Resident of village- Ghurghat, P.S. Siswan, District – Siwan.
3. Uday Shankar Mishra, Son of Late Manan Mishra, Resident of village- Pipra, P.S. Raghunathpur, District - Siwan
4. Parmeshwar Pandey, Son of Late Jagdish Pandey, Resident of village - Teghara, P.S. Hussainganj, District- Siwan
5. Nandji Bhagat, Son of Rajdeo Bhagat, Resident of village - Bihari Bujurg, P.O. and P.S. Guthani, District - Siwan

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. Director, Primary Education, Govt. of Bihar, Patna
3. District Education Officer, Siwan
4. District Programme Officer, (Establishment) , Siwan
5. The Block Education Extension Officer, Siwan Sadar, Siwan
6. The Block Education Extension Officer, Hussainganj, District- Siwan
7. The Block Education Extension Officer, Panchrukhi, Siwan
8. The Block Education Extension Officer, Siswan, Siwan

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. S.K. Ranjan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-09-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. This writ application has been filed for setting aside the order dated 08.08.2015 issued by the Respondent No. 3 as contained in Memo No. 2376 by which the services of the petitioners as Primary Teachers in different schools in the



District of Siwan have been terminated.

3. Learned counsel for the petitioners submits that this case would be covered by the recent judgment of the Hon'ble Division Bench in LPA No. 1254 of 2016 (The State of Bihar and Ors. Vs. Sanjay Kumar Chaudhary and Ors.) and other analogous matters. The petitioners were earlier appointed against 34,540 vacancies and from the list which was already approved by the Hon'ble Supreme Court.

4. Learned counsel for the petitioners further submits that in CWJC No. 24355 of 2018 (Noorus Sabah Vs. State of Bihar and ors.) and other analogous matters, this Court has taken note of the kind of orders which were passed by the Hon'ble Supreme Court in SLP (C) No. 26824 of 2012 and the judgment of the Hon'ble Division Bench of this Court in LPA No. 1254 of 2016 and other analogous matters.

5. Learned counsel submits that in terms of the directions issued in paragraph '7' of the order of this Court in the case of **Noorus Sabah** (Supra) and other analogous matters, the petitioners deserve a similar direction.

6. Learned AC to GP-17 for the State is present and learned counsel accepts that this case would be covered by the recent order dated 08.09.2023 passed by this Court in CWJC



No. 24355 of 2018 and other analogous cases.

7. Having regard to the aforementioned submissions and the admitted position that the case is covered by the earlier judgment of this Court, this Court is disposing of the present writ application by setting aside the impugned order and with a direction to the respondents to consider the case of the petitioners keeping in view the Bihar Litigation Policy, 2011 in the light of the judgment of this Court rendered in LPA No. 1254 of 2016 and other analogous matters, LPA No. 1309 of 2017 and LPA No. 1310 of 2017 and grant similar benefits to the petitioners as have been given to the other terminated teachers of the said list.

8. The operative part of the order dated 08.09.2023 passed in CWJC No. 24355 of 2018 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,



L.P.A. No.1309 of 2017 and L.P.A. No.1310 of 2017 and grants similar benefits to the petitioners as have been given to the other terminated teachers of the said list.

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

9. The Respondents shall act accordingly.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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