

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8869 of 2023

Md. Fakhrul Hoda, Son of Md Shoaib, Resident of Village- Basuham,
Adhloam, Police Station- Bahera, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar.
3. The Director, Primary Education, Govt. of Bihar.
4. The District Education Officer, Benipatti, Madhubani.
5. The District Program Officer, Benipur, District- Madhubani.
6. The Block Education Officer, Benipatti, Madhubani.
7. The Block Development Officer, Benipatti, Madhubani

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sarv Devi Singh, Advocate
For the Respondent/s : Mr. Madhukar Mishra, AC to SC- 16

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-09-2023 At the outset, learned counsel for the petitioner submits that this writ application may be disposed of giving liberty to the petitioner to challenge his order of termination before the District Teacher Appellate Authority.

2. It is pointed out that similar view was taken by this Court vide order dated 25.04.2023 passed in CWJC No. 23264 of 2013 (Tapeswar Safi and Ors. Vs. The State of Bihar and Ors.) and CWJC No. 77 of 2019.

3. Learned counsel for the petitioner submits that his case would be covered by the order of this Court passed on 25.04.2023 in CWJC No. 23264 of 2013, therefore, similar



direction may be issued in case of the petitioner as well.

4. In CWJC No. 23264 of 2013, this Court has passed the following order:-

“I have heard learned counsel for the parties. This court had issued notice to the respondent no. 11 i.e. Employment Unit of the concerned Block but despite service of notice no body has appeared on behalf of the respondent no. 11 / Block Teacher Employment Unit, Benipatti. The petitioners are claiming that after joining in January, 2011 they have been discharging their duties in their respective School continuously and positive direction of the District Appellate Authority is already there for payment of their salaries. Learned counsel for the State also agrees that the period during which the petitioners have rendered their services before termination they are entitled to be paid their salary upon verification by the concerned authority. As such, I direct the concerned District Education Officer, Madhubani (respondent no. 4) to make payment of salary to the petitioners for the period they have worked within a period of three months from the date of receipt / production of a copy of this order.

Insofar as challenge to the order of termination is concerned, I propose to dispose this writ application with liberty to the petitioners to file appeal before the District Appellate Authority within a period of one month from today.

It is made clear that if appeal is filed by the petitioners challenging their order of termination, the District Appellate Authority shall consider the same in accordance with law.”



5. Learned counsel for the State is present and has no objection in disposing of the present writ application in similar terms.

6. Having regard to the aforementioned facts, this writ application is disposed of with a direction to the District Education Officer, Benipatti, Madhubani (Respondent No. 4) to consider the case of the petitioner and, in case, it is found that his case is identical to the petitioners in CWJC No. 23264 of 2013, his case would also be considered in similar terms.

7. Liberty is there to the petitioner to raise his grievance against the order of termination before the District Teacher Appellate Authority in accordance with law.

8. In case, any question of limitation arises for consideration, the same will be considered keeping in view that the petitioner was advised to move this Court in its writ jurisdiction and he was pursuing his remedy under bonafide belief.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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