

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11023 of 2022

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Krishna Prasad, Son of Late Shrichand Prasad, Resident of Village and Police Station- Noor Sarai, District- Nalanda. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Arwal.
4. The District Education Officer, Arwal.
5. The District Programme Officer, (Establishment), Arwal.
6. The Block Education Officer, Karpi, District- Arwal.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Ms. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 25-09-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. This writ application has been filed for setting aside the order dated 15.11.2018 issued by the Respondent No. 5 as contained in Memo No. 1055 by which the service of the petitioner has been terminated.

3. Learned counsel for the petitioner 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 petitioner was 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 petitioner 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 petitioner deserves a similar direction.

6. Learned SC-28 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 petitioner 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 petitioner as has 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 and other analogous matters 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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