

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6057 of 2016

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Ajit Kumar son of Rajendra Prasad, resident of Village- Murouradih, P.O.-
Muroura, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Vikash Bhawan, Patna.
2. The Principal Secretary, Education Department, Vikash Bhawan, Patna.
3. The Joint Secretary, Education Department, Vikash Bhawan, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Nalanda.
6. The Block Education Extension Officer, Islampur, District- Nalanda.
7. The Headmaster, Middle School, Bakaur, Islampur, District- Nalanda.
8. The District Program Officer, (Establishment), Nalanda.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16219 of 2016

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Shailendra Prasad Singh @ Shailender Prasad Singh @ Shailender Kumar
Singh, Son of - Sri Janardan Prasad Singh Resident of Village - Matiara
Bishunpur Dhannu, Post Office - Sarai, Police Station - Sarai, Distt - Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources
Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Director, Primary Education, Department of Education, Govt. of Bihar,
Patna.
5. The Director Research and Training, Department of Education, Govt. of
Bihar, Patna.
6. The District Education Officer, District - West Champaran, Bettiah.
7. The District Programme Officer, Establishment, District - West Champaran,
Bettiah.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16244 of 2016

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Amrendra Kumar Singh Son of- Babulal Singh, Resident of Village-
Damodarpur, Post Office- Sarai, Police Station- Sarai, District- Vaishali.

... .. Petitioner

Versus



1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director Primary Education, Department of Education, Govt. of Bihar, Patna.
5. The Director Research and Training, Department of Education, Govt. of Bihar, Patna.
6. The District Education Officer, District- West Champaran, Bettiah.
7. The District Programme Officer, Establishment District- West Champaran, Bettiah.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16249 of 2016

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Akhilesh Kumar Singh Son of Kamal Prasad Singh Resident of Village-
Madhopur Mahodat Boaria, Post Office- Boaria, Police Station- Sarai, Distt-
Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt of Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Director Primary Education, Department of Education, Govt of Bihar, Patna.
5. The Director Research and Training, Department of Education, Govt. of Bihar, Patna.
6. The District Education Officer, District West Champaran, Bettiah.
7. The District Programme Officer Establishment District- West Champaran.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16251 of 2016

=====

Tribhuwan Kumar Singh Son of Late Musafir Singh Resident of Village-
Matiara, Post Office- Sarai, Police Station- Sarari, Distt- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt of Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Director Primary Education, Department of Education, Govt of Bihar,



Patna.

5. The Director Research and Training, Department of Education, Govt. of Bihar, Patna.
6. The District Education Officer, District West Champaran, Bettiah.
7. The District Programme Officer Establishment District- West Champaran.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16259 of 2016

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Umesh Prasad Singh Son of Genda Lal Singh Resident of Village- Piroi, Post Office- Piroi, Police Station- Goraul, Distt- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt of Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Director Primary Education, Department of Education, Govt of Bihar, Patna.
5. The Director Research and Training, Department of Education, Govt. of Bihar, Patna.
6. The District Education Officer, District West Champaran, Bettiah.
7. The District Programme Officer (Establishment) District- West Champaran.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 16563 of 2016

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Vijay Kumar Singh Son of Late Mahesh Singh Resident of Village- Karhari, Post Office- Bhagwanpur, Police Station- Bhagwanpur Town, Distt- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna. null null
5. The Director Research and Training, Department of Education, Govt. of Bihar, Patna.
6. The District Education Officer, District- West Champaran, Bettiah.
7. The District Programme Officer, Establishment, District- Champaran, Bettiah.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16945 of 2016

Kaushal Kishore Singh Son of- Late Ram Swarth Singh, Resident of Village-
Matiara, Post Office- Sarai, Police Station- Sarai, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt of Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Director Primary Education, Department of Education, Govt of Bihar, Patna.
5. The Director Research and Training, Department of Education, Govt of Bihar, Patna.
6. The District Education Officer, District- West Champaran, Bettiah.
7. The District Programme Officer, Establishment District- West Champaran, Bettiah.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 16971 of 2016

Ranjeet Kumar @ Ranjit Kumar Son of Jagannath Sharma @ Jugannath
Sharma @ Jagannath Prasad Sharma, Resident of Village- Jamalpur, Post
Office- Shubhai, Police Station- Hajipur (Sadar), Distt.- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Education, Bihar, Patna.
4. The Director Primary Education, Department of Education, Govt of Bihar, Patna.
5. The Director Research and Training, Department of Education, Govt. of Bihar, Patna.
6. The District Education Officer, District- West Champaran, Bettiah.
7. The District Programme Officer, Establishment, District- West Champaran, Bettiah.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 18580 of 2016



Ram Pravesh Singh Son of Late Nemak Singh Resident of Village P.O. Mathura, P.S.Bidupur, District Vaishali

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Vikash Bhawan, Patna.
2. The Principal Secretary, Education Department, Vikash Bhawan, Patna
3. The Joint Secretary, Education Department, Vikash Bhawan, Patna
4. The Director, Primary Education, Govt. of Bihar, Patna
5. The District Education Officer, Saran District, Saran
6. The Block Education Extension Officer, Parsa, District Saran
7. The Headmaster, Middle School, Girl, Madar, Parsa, District Saran
8. The District Program Officer, Education, Establishment, Saran

... .. Respondents

with

Civil Writ Jurisdiction Case No. 3837 of 2017

Rama Kant Mishra Son of Late Dhaneshwar Mishra, Resident of Village- Kutari, P.O. Naromurar, P.S. Warshaliganj, District Nawada.

... .. 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, Nawada.
7. The District Programme Officer, Establishment, Nawada.
8. The Registrar, Magadh University, Bodh Gaya.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 13563 of 2023

Md. Khurshid Iqbal Son of Md. Ismail, Resident of Mohalla- Bhainsasur, P.S.-Laheer, District- Nalanda...

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Nalanda at Biharsharif.



4. The District Programme Officer, (Establishment), Nalanda at Biharsharif.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 6057 of 2016)

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

For the Respondent/s : Mr.Ram Balak Mahto- AG

(In Civil Writ Jurisdiction Case No. 16219 of 2016)

For the Petitioner/s : Mr. Satish Narain Singh, Advocate

For the Respondent/s : Mr. Umesh Narayan Dubey, AC to SC-27

(In Civil Writ Jurisdiction Case No. 16244 of 2016)

For the Petitioner/s : Mr. Satish Narain Singh, Advocate

For the Respondent/s : Mr. Jai Prabhat Kishore, AC to SC-13

(In Civil Writ Jurisdiction Case No. 16249 of 2016)

For the Petitioner/s : Mr. Satish Narain Singh, Advocate

For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

(In Civil Writ Jurisdiction Case No. 16251 of 2016)

For the Petitioner/s : Mr.Satish Narain Singh, Advocate

For the Respondent/s : Mr.Madhaw Prasad Yadav, GP-23

Ms. Meera Singh, AC to GP-23

(In Civil Writ Jurisdiction Case No. 16259 of 2016)

For the Petitioner/s : Mr. Satish Narain Singh, Advocate

For the Respondent/s : Ms. Namrata Singh, AC to GA-12

(In Civil Writ Jurisdiction Case No. 16563 of 2016)

For the Petitioner/s : Mr. Satish Narain Singh, Advocate

For the Respondent/s : Mr. Kameshwar Kumar, GP-17

Mr. S.K. Ranjan, AC to GP-17

(In Civil Writ Jurisdiction Case No. 16945 of 2016)

For the Petitioner/s : Mr. Satish Narain Singh, Advocate

For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

(In Civil Writ Jurisdiction Case No. 16971 of 2016)

For the Petitioner/s : Mr. Satish Narain Singh, Advocate

For the Respondent/s : Mr. Narendra Kumar, AC to GP-20

(In Civil Writ Jurisdiction Case No. 18580 of 2016)

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

For the Respondent/s : Mr. Madhaw Prasad Yadav, GP-23

Ms. Meera Singh, AC to GP-23

(In Civil Writ Jurisdiction Case No. 3837 of 2017)

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

For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

For the Magadh University: Mr. Sunit Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 13563 of 2023)

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

For the Respondent/s : Smt. Binita Singh, SC-28

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-09-2023 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. Chattopadhyaya (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. One of those cases is **CWJC No. 24355 of 2018 (Noorus Sabah vs. The State of Bihar and Others).**

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 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.”

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. All these writ applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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