

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6716 of 2016

=====

Gopal Sharan Mehta Son of Bal Govind Prasad Mehta resident of village -
Malitola, Rajgir, P.O. P.S. Rajgir, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
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, Sarmera, District - Nalanda
7. The Headmaster Middle School, Sarmera, District Nalanda
8. The District Programe officer, Eastablishment , Nalanda

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 6902 of 2016

=====

Surendra Paswan son of late Parmeshwar Paswan resident of Village -
Murauradih Raghobpur, P.O. - Muraura, P.S. - Biharsharif, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
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, Vaishali.
6. The Block Education Extension Officer, Bidupur, District - Vaishali.
7. The Headmaster Upgraded Middle School, Chakmasud, Bidupur, District -
Vaishali.
8. The District Program Officer (Establishment), Vaishali.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 14658 of 2017

=====

Ashok Kumar Son of Late Ram Dev Sahani, Resident of Village- Bara, P.O.-
Bara, P.S.- Khodawanpur, District- Begusarai, Bihar.

... .. Petitioner/s



Versus

1. The State Of Bihar
2. The Joint Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, District- Begusarai.
5. The District Programme Officer Establishment, District- Begusarai.
6. The Block Education Officer, Barauni, District- Begusarai.
7. The Block Education Officer, Khodawanpur, District- Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 23237 of 2018

1. Asha Kumari @ Smt. Asha Kumari D/o Rameshwar Ram R/o Village P.O P.S.- Mohanpur, District- Samastipur
2. Arvind Pandit S/o Late Rameshwar Pandit R/o Village- Balochak,P.O.- Bhagwanpur, P.S.- Dalsingh Sarai, District- Samastipur
3. Rameshwar Mahto S/o Bangali Mahto R/o Village P.O.- Kamroy, P.S.- Dalsingh Sarai, District- Samastipur
4. Jagdip Ram S/o Shiv Ram R/o Village P.O- Kursaha, Mohiuddin Nagar, District Samastipur
5. Ranjeet Kumar Chowdhary S/o Dhapu Chowdhary R/o Rasulpur, P.O. P.S.- Bahadurpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Joint Secretary, Department of Education, Government of Bihar, Vikash Bhawan Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Education Officer, Samastipur
5. District Programme Officer Establishment, Samastipur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 24409 of 2018

Sanjeev Kumar S/o Late Devlal Das R/vill-Kumharkol Buzurg, P.O-Rampur Kumharkol, P.S-Sahdai Buzurg, Block-Sahdai Buzurg, Distt.-Vaishali.

... .. Petitioner/s

Versus



1. The State Of Bihar through the Principal Secretary, Department of Primary Education, Govt. of Bihar
2. The District Magistrate, Vaishali at Hajipur
3. The District Education Officer, Vaishali at Hajipur
4. The District Programme Officer establishment Vaishali at Hajipur
5. The Block Education Officer Sahdai Buzurg Block Vaishali at Hajipur.
6. The Block Development Officer Sahdai Buzurg Vaishali at Hajipur.
7. The Head Master Upgraded Middle School Bikrampur Block Sahdai Buzurg Distt.-Vaishali.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 5588 of 2019

=====

Dinesh Kumar Sah S/o Sri Ram Lakhan Sah R/o Village- Mahendraganj, P.O.
and P.S.- Mansurchak, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Vikash Bhawan, Patna
3. The Director, Primary Education, Department of Education, Government of Bihar, Vikash Bhawan, Patna
4. The District Education Officer, Supaul
5. The Block Education Officer, Chhatapur, Supaul.
6. The Head Master, Middle School, Kamat, Kishunganj, Block Chhatapur, District- Supaul

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 5878 of 2023

=====

Birendra Kumar Resident of Mohalla- Bhainsasoor, P.O.- Biharsharif, P.S.
Laheer, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Nalanda at Biharsharif.



5. The District Education Officer, Nalanda at Biharsharif.
6. The District Programme Officer, Establishment, Nalanda.
7. The Block Education Officer, Biharsharif, Nalada at Biharsharif.
8. The Treasury Officer, Nalada at Biharsharif.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10724 of 2023

Vinay Shankar Ray Son of Ramdev Ray, Resident of Vill- Bhagwanpur Ratti-
Post- Balukaram, P.S and District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director of Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna, Division, Patna.
5. The District Education Officer, Bhojpur (Ara).
6. The District Programme Officer (Establishment), Bhojpur (Ara).
7. The Block Education Officer, Charpokhari.
8. Bihar School Examination Board, Patna through its Chairman.
9. The Chairman, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6716 of 2016)

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

For the Respondent/s : Mr. Aag2- D.K.Sinha

(In Civil Writ Jurisdiction Case No. 6902 of 2016)

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

For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3

(In Civil Writ Jurisdiction Case No. 14658 of 2017)

For the Petitioner/s : Mr. Uma Shankar Sharma, Advocate

Mr. Shiv Kumar, Prabhakar, Advocate

For the Respondent/s : Mr. S.C. Mishra - Sc16

(In Civil Writ Jurisdiction Case No. 23237 of 2018)

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate

For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

(In Civil Writ Jurisdiction Case No. 24409 of 2018)

For the Petitioner/s : Mr. M.N. Prabhat, Sr. Advocate

Mr. Sabal Kumar Jha, Advocate

Mr. Sanjay Kumar Jha, Advocate

For the Respondent/s : Mr. Madanjeet Kumar- Gp20

(In Civil Writ Jurisdiction Case No. 5588 of 2019)



For the Petitioner/s : Mr. Surendra Kumar, Advocate
Ms. Tulika Singh, Advocate
Mr. Bishnu Kant Dubey, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17
(In Civil Writ Jurisdiction Case No. 5878 of 2023)
For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy 1 (Sc 13)
(In Civil Writ Jurisdiction Case No. 10724 of 2023)
For the Petitioner/s : Mr. Tej Bahadur Singh, Advocate
Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 26-09-2023 Heard learned counsel for the parties.

2. All these writ applications have been taken up together on the request of the learned counsel for the parties.

3. Learned counsel for the petitioners and the learned counsel for the State are present.

4. Learned counsel for the petitioners have contended to this Court that these cases would be covered by the recent judgment dated 28.08.2023 delivered by Hon'ble Division Bench of this Court in LPA No. 1254 of 2016 arising out of CWJC No. 16580 of 2014 and other analogous matters.

5. It is jointly submitted by the learned counsel for the petitioners that these petitioners were placed in the list of 34,540 elementary teachers prepared by Hon'ble Mr. Justice S.K. Chattopadhyay (Retired) Committee and the said list was approved by the Hon'ble Apex Court.

6. Learned counsel further submits that recently in



CWJC No. 24355 of 2018 (Noorus Sabah vs. The State of Bihar and Others) and other analogous matters, this Court had occasion to consider the identical matters and after noticing the judgment of the Hon'ble Supreme Court in SLP(C) No. 26824 of 2012 saying inter-alia that none of the persons appointed out of the 34,540 vacancies could be disturbed in any way and further the views taken by the Hon'ble Division Bench of this Court in LPA No. 1254 of 2016 and other analogous matters, this Court allowed those writ applications by setting aside the impugned orders of termination and directed the respondents to consider the case of the petitioners keeping in view the Bihar Litigation Policy, 2011. It is submitted that similar order may be passed in respect of these writ applications also.

7. Learned counsel for the State are present and they agree with the submissions for the petitioners that these cases would be covered by the judgment of the Hon'ble Division Bench in LPA No. 1254 of 2016 and other analogous cases based on which this Court has disposed of CWJC No. 24355 of 2018 and other analogous matters on 08.09.2023.

8. Having regard to the kind of submissions and the materials placed before this Court and there being no dispute over the submissions made on behalf of the petitioners, this



Court is disposing of all these writ applications in terms of the order dated 08.09.2023 passed by this Court in CWJC No. 24355 of 2018 and other analogous matters. Paragraph nos. '7' and '8' of the order passed in those writ applications are 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 are directed to act accordingly.

10. All these writ applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U			
---	--	--	--

