

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.628 of 2022

In
Civil Writ Jurisdiction Case No.17533 of 2021

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Kiran Kumari Wife of Shri Om Prakash Thakur, resident of Mohalla Gautam Nagar (Ward No. 11), P.S. Saharsa, District - Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Kosi Division, Saharsa.
5. The District Education Officer, Madhepura.
6. The District Programme Officer (Establishment), Madhepura.

... .. Respondent/s

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with
Letters Patent Appeal No. 629 of 2022
In
Civil Writ Jurisdiction Case No.17557 of 2021

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Pushpa Kumari Wife of Shri Shashi Kumar Sah, Resident of Mohalla Mmithai Bazar (Ward No. 01), P.S. Madhepura, District-Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Kosi Division, Saharsa, Bihar.
5. The District Education Officer, Madhepura, Bihar.
6. The District Programme Officer (Establishment), Madhepura, Bihar.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 628 of 2022)

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Apurva Kumar, Advocate

(In Letters Patent Appeal No. 629 of 2022)

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan, Advocate



For the Respondent/s : Mr. Apurva Kumar, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date : 14-07-2023**

1. The two writ petitions are by teachers who were recruited by the Bihar Public Service Commission but terminated from service. The termination was challenged before the learned Single Judge. The learned Single Judge relied on two decisions of this Court dated 23.02.2022 passed in **C.W.J.C. No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar & Ors)** and dated 07.03.2022 passed in **C.W.J.C. No. 34 of 2022 (Minakshi @ Sushre Minakshi & Anr. Vrs. The State of Bihar & Ors.)** and directed that the appellate authority be approached.

2. Later similar orders passed in the cases of teachers who were recruited by the B.P.S.C. and later terminated from service were challenged before the Division Bench. The Division Bench in a batch of Letters Patent Appeals numbered as L.P.A. No. 255 of 2022 (arising out of C.W.J.C. No. 5489 of 2020) (**Dhananjay Singh & Ors. v. The State of Bihar & Ors.**) and other analogous appeals found that there is no identity of facts in the cited decisions and the petitioners case.



The persons in the cited decisions were Panchayat Teachers appointed by the respective Panchayats for whom a separate set of Rules were applicable, in which there was a remedy before the appellate authority. Insofar as the present petitioners - appellants are concerned, who were similar to those in the batch of Letters Patent Appeals, there is no power conferred on the appellate authority to examine the dismissal orders. In such circumstances, the writ petitions were sent back to the learned Single Judge by the Division Bench.

3. We respectfully follow the aforesaid Division Bench judgment in L.P.A. No. 255 of 2022 (arising out of C.W.J.C. No. 5489 of 2020) and others dated 18.1.2023 and remand the matters to the learned Single Judge without any observations on merits.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-Spd/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	17.07.2023
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