

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23637 of 2018

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Seema Singh Wife of Late Mritunjay Singh Resident of Village and P.O.-
Barail, Panchayat, Goth Baruari, District- Supaul

... .. Petitioner

Versus

1. The State Of Bihar, through Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar
3. Director, Primary Education, Education Department, Government of Bihar, Patna
4. District Magistrate, Supaul
5. District Education Officer, Supaul
6. District Program Officer Establishment cum Nodal Officer, Supaul
7. Block Development Officer cum Member Secretary, Block Teachers Employment Committee, Supaul
8. Vigilance INvestigation Bureau, Bihar Patna through its Director General
9. Director General, Vigilance and Investigation Bureau, Bihar, Patna
10. Deputy Superintendent of Police-2, Vigilance Investigation Bureau, Bihar, Patna
11. The Panchayat Secretary cum Member Secretary, Panchayt Teachers Employment Unit, goath Baruari, Supa
12. Headmaster, Sukhdeo Kanya Madhya Vidyalaya, Barail, Supaul

... .. Respondents

with

Civil Writ Jurisdiction Case No. 23458 of 2018

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Deepak Kumar S/O Shyam Deo Mahto Resident of - Village- Jagatpur, Post-
Barail.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secreary, Education Department, Government of Bihar.
3. Director Primary Education, Education Department Government of Bihar Patna
4. District Magistrate, Supaul
5. District Education Officers, Supaul
6. District Program Officer Establishment cum Nodal Officer, Supaul
7. Block Development Officer cum Member Secretary, Block Teachers Employment Committee, Supaul



8. Vigilance Investigation Bureau, Bihar Patna through its Director General
9. Director General, Vigilance and Investigation Bureau, Bihar Patna.
10. Deputy Superintendent of Police -2, Vigilance Investigation Bureau, Bihar Patna.
11. The Panchayt Secretary cum Member Secretary, Panchayt Teachers Employment Unit, Goath Baruari, Su
12. Headmaster, Primary School, Barail Millick, Goath Baruari Panchayt, Supaul

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 23528 of 2018

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Ganesh Kumar Pasi S/O- Jugeshwar Pasi, Resident of -Village-Jagatpur, Post-Barail, Panchayt- Goth Baruari, District-Supaul.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar
3. Director Primary Education, Education Department Government of Bihar, Patna
4. District Magistrate, Supaul
5. District Education Officers, Supaul
6. District Program Officer Establishment cum Nodal Officer, Supaul
7. Block Development Officer cum Member Secretary, Block Teachers Employment Committee, Supaul
8. Vigilance Investigation Bureau, Bihar Patna through its Director General,
9. Director General, Vigilance and Investigation Bureau, Bihar Patna.
10. Deputy Superintendent of Police-2, Vigilance Investigation Bureau, Bihar Patna.
11. The Panchayat Secretary cum Member Secretary, Panchayt Teachers Employment Unit, Goath Baruari, Sup
12. Headmaster, Primary School, Barail Millick, Goath Baruari Panchayt, Supaul.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 24742 of 2018

=====

Md. Sagir Alam S/o - Late Md. Nathuni, resident of Village- Mohania, Panchayat- Goth Baruari, Distt.- Supaul

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Education Department,



Government of Bihar, Patna

2. The Principal Secretary, Education Department, Government of Bihar.
3. Director Primary Education, Education Department, Government of Bihar, Patna.
4. District Magistrate, Supaul.
5. District Education Officers, Supaul
6. District Program Officer Establishment cum Nodal Officer, supaul.
7. Block Development Officer cum Member Secretary, Block Teachers Employment Committee, Supaul
8. Vigilance Investigation Bureau, Bihar Patna through its Director General.
9. Director General, Vigilance and Investigation Bureau, Bihar Patna.
10. Deputy Superintendent of Police- 2 Vigilance Investigation Bureau, Bihar Patna.
11. The Panchayat Secretary cum Member Secretary, Panchaayt Teachers Employemnt Unit, Goath Baruari, Sup
12. Headmaster, Primary School, Barail Millick, Goath Baruari Panchayt, Supaul

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 23637 of 2018)

For the Petitioner/s : Mr.Neeraj Kumar Singh, Advocate

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

(In Civil Writ Jurisdiction Case No. 23458 of 2018)

For the Petitioner/s : Mr.Neeraj Kumar Singh, Advocate

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

(In Civil Writ Jurisdiction Case No. 23528 of 2018)

For the Petitioner/s : Mr.Neeraj Kumar Singh, Advocate

For the Respondent/s : Mr.Madhaw Pd. Yadaw- GP-23
Mr.Arvind Kumar, AC to GP-23

(In Civil Writ Jurisdiction Case No. 24742 of 2018)

For the Petitioner/s : Mr.Neeraj Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioners and learned
counsel for the State in all these writ applications.

2. On the request of the parties, these matters have
been taken up for consideration together and are being disposed
of accordingly.



3. Petitioners are aggrieved by and dissatisfied with the order of their termination as Panchayat Teacher vide Memo No. 1166(A) dated 17.09.2018 as contained in Annexure '8' to the writ application.

4. Learned counsel for the petitioners submits that all these cases would be covered by order dated 02.08.2019 passed by this Court in CWJC No. 15689 of 2019. His submission is that these petitioners have been terminated by the same impugned letter/ communication by which the petitioner in CWJC No. 15689 of 2019 had been terminated.

5. Learned counsel for the State does not dispute that in CWJC No. 15689 of 2019 the impugned order of termination as contained in Letter No. 1166 (Ni) dated 17.08.2019 has been quashed with a further observation that the quashing of the order of termination does not preclude the respondents from taking fresh decision in accordance with law after giving opportunity of hearing to the petitioner.

6. Learned counsel for the State has, however, submitted with reference to the statements made in the counter affidavit that on the basis of a complaint filed by one Anil Kumar Singh regarding the illegalities committed in the matter of appointment of the Niyojit teachers, the Vigilance conducted



an inquiry in respect of all together 41 Niyojit Teachers whose appointments were *prima facie* found to be invalid and after further inquiry it was found that out of 41 teachers, appointment of 33 Panchayat/Block teachers were illegal and accordingly FIR bearing Supaul P.S. Case No. 508 of 2018 dated 30.08.2018 was registered wherein the name of the petitioners appear. It is submitted that all these appointments are illegal.

7. Be that as it may, having heard learned counsel for the parties, this Court finds that the impugned order of termination has already been quashed by this Court in CWJC No. 15689 of 2019. The operative part of the order passed in CWJC No. 15689 of 2019 reads as under:-

“Considering the aforesaid, the order of termination dated 17.09.2018 as contained in letter No. 1166(Ni) is quashed. However, quashing of the order of termination does not preclude the respondents from taking fresh decision in accordance with law after opportunity of hearing to the petitioner.

The respondents are directed to reinstate the petitioner. However, the petitioner shall not be entitled to any salary unless the issue of validity of appointment, after enquiry, is decided in favour of the petitioner. The payment of the petitioner shall abide by the final out come of the enquiry to be made by the respondents with regard to his appointment.”



8. Learned counsel for the petitioners submits at this stage, that in fact pursuant to the order of this Court in CWJC No. 15689 of 2019, the respondents have yet not initiated the inquiry.

9. In these circumstances, this Court directs the Additional Chief Secretary, Department of Education, Government of Bihar to get examined the case of these petitioners in accordance with Clause 4 C of the Bihar Litigation Policy, 2011 and in case, it is found that case of these petitioners is identically placed with the petitioner in CWJC No. 15689 of 2019, a similar view be taken in respect of these petitioners also. Since the order of termination has already been quashed by this Court, the Additional Chief Secretary, Education Department shall ensure that fresh decision in accordance with law after giving appropriate opportunity of hearing to the petitioners be taken within a period of three months from the date of receipt/production of a copy of this order.

10. These writ applications stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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