

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7592 of 2021

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1. Prem Chand Prasad Gupta S/o Sri Kuar Sah R/o At, P.O. and P.S.- Natwar, District- Rohtas.
 2. Santosh Prasad Gupta S/o Raja Prasad Gupta R/o At, P.O. and P.S.- Natwar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education Department, Bihar, Patna.
3. The District Education Officer, District- Rohtas at Sasaram.
4. The District Programme Officer (Estt.), Rohtas at Sasaram.
5. The Block Education Officer-cum-Secretary, Block Employment Authority, Block- Dinara, District- Rohtas at Sasaram.
6. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1273 of 2021

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1. Prem Chand Prasad Gupta S/o Sri Kuar Sah R/o At, P.O. and P.S.- Natwar, District- Rohtas.
 2. Santosh Prasad Gupta S/o Raja Prasad Gupta R/o At, P.O. and P.S.- Natwar, District- Rohtas.

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Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Education Department, Bihar, Patna.
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3. The District Education Officer, District- Rohtas at Sasaram.
4. The District Programme Officer (Estt.), Rohtas at Sasaram.
5. The Block Education Officer, Block- Dinara, District- Rohtas at Sasaram.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7592 of 2021)

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Adv. Mr. Prabhojit Singh, Adv. Mr. Abhijeet, Adv.
For B.S.E.B.		Mr. Ajay, Adv.
For the State	:	Mr. Madanjeet Kumar (Gp20)



(In Civil Writ Jurisdiction Case No. 1273 of 2021)

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv.

For the State : Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 10-09-2024

Re: I.A. No. 01 of 2021

This interlocutory application has been filed for addition in the prayer portion of the writ petition which is as follows:

“(i) To quash the memo no. 753 dated 11.06.2021, so far it relates petitioner no. 1 and memo no. 754 dated 11.06.2021, so far it relates to petitioner no. 2 issued by the Secretary, Block Employment Committee-cum-Block Development Officer, Dinara, Rohtas(respondent no. 5) whereby and whereunder the appointment of petitioner, who are Block Teacher has been cancelled and direction has also been issued to institute F.I.R. against the petitioners.”

2. The present interlocutory application, being formal in nature, is not opposed, hence is allowed. The prayer made in the present interlocutory application is treated as part of the writ petition.

Re: C.W.J.C. No. 7592 of 2021 and C.W.J.C. No. 1273 of 2021

3. Heard learned counsel for the parties.



4. This writ petition has been filed for the following relief:

“(i) To quash the letter no-L-912 dated 24.12.2020 issued by the District Education Officer, Rohtas at Sasaram (Resp. No-3) whereby and whereunder, after holding the appointment of petitioners as illegal, direction has been given to the Block Education Officer-cum-Secretary, Block Employment Authority, Block-Dinara, District- Rohtas at Sasaram (Resp.No-5), to dismiss the petitioners from the post of Block Teacher.

(ii) To quash the letter contained in memo no- L-2059 dated 19.09.2020 issued by the District Programme Officer (Estt.), Rohtas at Sasaram (Resp.No-4), whereby and whereunder after directing the petitioners to submit their testimonials for enquiry, payment of salary has been stopped without any reason.

(iii) To direct the respondents to pay the arrears of salary to the petitioners from September 2020 till date with statutory interests as well as current salary on month to month basis.

(iv) To direct the respondents to pay the arrears of salary w.e.f. 14.08.2010 to 28.02.2012 with appropriate statutory



interests, which the petitioners were/are entitled as per the order dated 16.04.2014 passed in C.W.J.C. No- 12771/2011 (Prem Chand Prasad Gupta & Ors Vs The State of Bihar & Ors).

(v) Further to direct the respondents not to disturb the petitioners from discharging their duty in their respective schools.”

5. Earlier, the petitioners were appointed on the post of Block Teacher in the year 2010 and started discharging their duties. Thereafter, on 27.12.2010, vide Memo No. 632, dismissal order has been issued by the Block Education Officer, Dinara, Rohtas cancelling the appointment of the petitioners as Block Teachers on the grounds that at the time of submitting the application form in the year 2008, they were not having teacher's training qualification.

6. Against the dismissal order, petitioners filed an appeal before the District Teachers Appointment Appellate Authority, Rohtas at Sasaram which was allowed directing the B.E.O., Dinara to reinstate the petitioners on their respective posts and when the petitioners were not reinstated on their posts, they filed C.W.J.C. No. 12771 of 2011 before this Court.

7. During the pendency of the aforesaid writ petition, the Block Education Officer, Dinara vide Memo No. 227 dated



27.02.2012 reinstated the petitioners on their respective posts.

8. On 16.04.2014, C.W.J.C. No. 12771 of 2011 was disposed of with a direction that 'as the petitioners were wrongly deprived from discharging their duties, they are entitled for the arrears of salary.

9. While the petitioners were discharging their duties, a letter has been issued vide Memo No. L-2059 dated 19.09.2020 by the District Programme Officer (Estt.), Rohtas at Sasaram directing the petitioners to submit their testimonials for enquiry and payment of the salary has been stopped without any reason. Hence, this writ petition.

10. A counter affidavit has been filed on behalf of the State in which it is stated that the petitioners had obtained employment as Block Teacher by furnishing the forged mark-sheet of Nursery Teachers Training of 2007 but in fact they passed Nursery Teachers Training in 2010. It is further stated that the petitioners applied as Block Teacher in the advertisement of 2008 but their training certificates were issued by the Bihar School Examination Board, Patna in the year 2010, hence, the employment of petitioners were not valid. Accordingly, the Block Employment Unit in its meeting took the decision to terminate the petitioners and direction has been



issued to the Block Education Officer, Dinara to lodge an FIR against the petitioners and take steps for recovery of salary paid to them.

11. Learned counsel for the Bihar School Examination Board submits that the petitioners' result relating to Secondary Examination as well as Teachers Training Examination was verified from the records available in the Board and found to be correct.

12. Learned counsel for the petitioners submits that there is violation of Articles-14, 16, 21 and 311(2) of the Constitution of India and also violation of Rule 15 (Chha) of the Bihar Panchayat Primary Teachers (Appointment & Service Condition) Rule, 2012 which has not been denied by the learned counsel for the State.

13. Considering the facts and circumstances of the case and the materials available on record as well as submissions of the learned counsel for the parties, this writ petition is allowed quashing the Letter No. L-912 dated 24.12.2020 passed by the District Education Officer, Rohtas at Sasaram, Memo No. L-2059 dated 19.09.2020 passed by the District Programme Officer (Estt.), Rohtas at Sasaram, Memo No. 753 dated 11.06.2021 and Memo No. 754 dated 11.06.2021



passed by the Secretary, Block Employment Committee-cum-Block Development Officer, Dinara, Rohtas. Petitioners are entitled to all consequential and monitory benefit.

(Anjani Kumar Sharan, J)

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