

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1528 of 2024

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Meena Kumari wife of Sri Braj Kishor Singh, Resident of Ward No. 03,
Bhagwatpur Patedha, P.O. Sarai, P.S. Sarai, District Vaishali, presently posted
in Middle School, Balha, Block-Sadar, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Darbhanga.
4. The District Programme Officer (Establishment), Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh
For the Respondent/s : Mr. Addl. Advocate General 12

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 22-03-2024

Heard learned counsel for the petitioner and

learned counsel for the State.

2. Learned counsel for the petitioner submits that

the petitioner's case is squarely covered by a recent judgment
dated 28.08.2023 delivered by the Division Bench of this Court
in L.P.A. No. 1254 of 2016 arising out of C.W.J.C. No. 24355 of
2018 and other analogous cases.

3. Mr. Bipin Bihari Singh, learned counsel for the
petitioner submits that the petitioner also figured in the list of
34,540 elementary teachers approved by the Hon'ble Mr. Justice
S.K. Chattopadhyay (Retd.) Committee. He further submits that



the Hon'ble Supreme Court has in its judgment in SLP (Civil) No. 26824 of 2012 directed inter-alia as under:-

“We make it clear that none of the persons appointed out of the 34,540 vacancies should be disturbed in any way, but the question of filling up the balance vacancies may be taken into consideration, while disposing of the applications in question.”

4. It is, in view of the aforementioned clarity given by the Hon'ble Supreme Court in its judgment, the Hon'ble Division Bench of this Court has held in L.P.A. No.1254 of 2016 and other analogous matters that there could be no termination on the basis of a further verification. The views expressed by the Hon'ble Division Bench of this Court may be found in paragraph '16' as under:-

"16. We are of the definite opinion that in the present case where all the party- respondents were appointed as per the directions of the Hon'ble Supreme Court, under the supervision of Justice Chattopadhyay, cannot be terminated on grounds of qualifications not having been properly verified; unless otherwise permitted by the Hon'ble Supreme Court. The party respondents were appointed after their eligibility being settled by Justice Chattopadhyay, appointed by the Hon'ble Supreme Court, to oversee the selection and appointment of teachers to the vacant posts, identified as available, as per the undertaking made by the State before the Hon'ble Supreme Court. Though the verification of credentials and qualifications of the candidates



were directed to be done, there could be no such verification at this late stage. As noticed by the learned Single Judge in the impugned judgment the State ought to have been more vigilant when the appointments were carried out."

5. Learned A.A.G. 12 for the State is present. It is submitted that if the petitioner is appointees from the list of 34,540 candidates which was approved by the Hon'ble Supreme Court, then the Hon'ble Division Bench judgment would be applicable in her case as well.

6. 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 Annexure-2 of writ application 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 petitioner as have been given to the other terminated teachers of the said list.

7. Let the entire exercise be completed within a period of three months from the date of receipt/production of a copy of this order.



8. This writ petition is allowed to the extent indicated hereinabove.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2024
Transmission Date	NA

