

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20334 of 2016

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Niranjan Kumar son of late Plakdhari Mandal, resident of village- Baryarpur,
Basti and P.O. Baryyarpur, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Joint Secretary, Education Department Bihar, Patna.
3. The Director Primary Education Humen Respires Development
Department, Bihar, Patna.
4. The District Education Officer, Munger.
5. The Block Education Officer, Bariyarpur, District- Munger.
6. The Head Master, Upgraded Middle School Chirayabad, Bariyarpur, Distrcet
- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Obaidur Rahman

For the Respondent/s : Ms. Namrata Singh, AC to Ex. GA 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-08-2024 The petitioner has challenged the order, dated

14.07.2012 (Annexure 9), by which the services of the petitioner
as Assistant Teacher has been terminated on the ground that the
institute/college, from where the petitioner has obtained training
certificate, i.e. Dr. B. C. Roy College of Education, Kolkata,
was not recognized by the State Government or the Central
Government.

2. Learned Counsel for the petitioner submits that the
petitioner was appointed as Assistant Teacher pursuant to the
order passed by the Supreme Court against 34540 vacancies of
trained teachers list of which was prepared under the
supervision of Hon'ble Mr. Justice S. K. Chattopadhyay

Commission. The recommendation of Justice S. K. Chattopadhyay Commission has been accepted by the Supreme Court and, accordingly, the appointment letter was issued to the petitioner on 06.07.2012. The petitioner started discharging his duties and all of a sudden, without any show cause, the petitioner was dismissed from service on the ground that training certificate produced by him at the time of appointment was forged.

3. Learned Counsel relies upon a decision of Division Bench of this Court rendered in L.P.A. No. 1254 of 2016 and submits that this Court has held that teachers appointed as per the direction of the Supreme Court under the supervision of Justice S. K. Chattopadhyay cannot be terminated on ground of qualifications not having been properly verified unless otherwise permitted by the Supreme Court.

4. Learned Counsel relied upon the decisions rendered in similar matters, which has been disposed by this Court, bearing CWJC No. 24355 of 2016 and analogous cases, including CWJC No. 4770 of 2016.

5. Learned Counsel for the State, on the other hand, submits that the petitioner has obtained the training certificate from the institute/college having no approval by the State

Government or the Central Government.

6. I have heard learned Counsel for the parties concerned.

7. In LPA No. 1254 of 2016, disposed on 28.08.2023, a Division Bench of this Court has held that the persons appointed from the list of 34540 vacancies can not be disturbed/terminated on the ground of qualification/certificate not having been properly verified unless otherwise permitted by Hon'ble Supreme Court.

8. Paragraph 16 of the Division Bench decision, in LPA No. 1254 of 2016 (The State of Bihar and Others v. Sanjay Kumar Chaudhary and Another), is being quoted herein below:-

“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.”

9. Having going through the decision of the Division Bench and the decisions of the co-ordinate Bench, I am of the view that the case of the petitioner is fully covered by the judgments referred herein above inasmuch as from the appointment letter of the petitioner, it is evident that he was appointed out of the list of 34540 teachers, duly approved by the Supreme Court.

10. In the result, this writ application is allowed and the impugned order, dated 14.07.2012 (Annexure 9), is set aside.

11. The respondents are directed to reinstate the petitioner within a period of one month from the date of receipt/production of a copy of this order and pay all consequential monetary benefits to him, forthwith.

AFR/
Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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