

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5007 of 2020

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Krishna Murari Singh Son of Sri Rajnath Singh, Resident of Dinara NH Road, P.S.-Dinara, District-Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, cum-Principal Secretary, Education Department, Bihar, Patna.
3. Director Primary Education, Rohtas (Sasaram).
4. District Education Officer (Establishment), Rohtas (Sasaram).
5. Block Development Officer, Dinara, Rohtas (Sasaram).
6. Mukhiya Gram Panchayat Raj Dinara, Rohtas (Sasaram).
7. Panchayat Secretary Gram Panchayat Raj Dinara, Rohtas (Sasaram).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr. Abhinay Raj, Adv.
For the Respondent/s	:	Mr. Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-10-2024 Heard learned Senior counsel for the petitioner and

learned counsel for the State.

2. The present writ petition has been filed for commanding the respondents to accept the joining of the petitioner treating the resignation withdrawn as till date resignation has not been accepted.

3. The brief overview of the present case is that initially the petitioner was appointed as physical teacher vide Letter No. 269 dated 28.12.2006 by the Block Development Officer, Dinara, and posted at Middle School, Mahrar.



According to the petitioner, he has performed the duties as a physical teacher up to 28.07.2015 and he sent his resignation on 29.7.2015 due to illness. After recovery from the illness, the petitioner filed an application on 25.11.2019 for withdrawal of resignation and accepted his joining but the same was not accepted.

4. A counter affidavit has been filed on behalf of the respondent no. 4 in which it is stated that, for proper appreciation of the issue involved, this Court vide order dated 18.05.2015 in a Public interest Litigation bearing CWJC No. 15459 of 2014 (Ranjeet Pandit and Ors vs State of Bihar and Ors) had/has been pleased to direct the vigilance department, immediately swing in action and cause Verification of the Genuineness certificate of the teacher who had been appointed from 01.07.2006 onward.

5. It is submitted by learned counsel for the respondent no. 4 that this Court vide order dated 22.06.2015 directed the State, through the Education Department to publish a notice to the effect that in case any teacher of whatever Category, appointment on the basis of fake or fabricated Certificates, submits his resignation within fifteen days from the date of notice, it would be accepted and no proceeding would be



initiated against him whether for prosecution or for recovery of the amount already paid (Annexure-A to the counter affidavit filed on behalf of the respondent no. 4).

6. It is further submitted by learned counsel for the respondent no. 4 that pursuant to an order of this Court and Government notice, the petitioner submitted his resignation on 29.07.2015 before the Executive Officer-cum-Secretary Block Employment Unit, Dinara which was received on 30.07.2015 (Annexure-B to the counter affidavit filed on behalf of the respondent no. 4).

7. It is further submitted by learned counsel for the respondent no. 4 that the District Programme Officer (Establishment), Rohtas vide letter no. L-370 dated 3.2.2020 had called for a report from the Block Education Officer Dinara, Rohtas as to whether the petitioner had submitted his resignation pursuant to an order of this Court passed in C.W.J.C. No. 15459 of 2014 (Ranjeet Pandit Vs. State of Bihar and ors) or not? Pursuant to aforesaid direction, the Block Education Officer, Dinara, Rohtas vide his letter no. 37 dated 06.02.2020 reported that in view of the order passed by this Hon'ble court in C.W.J.C. No. 15459 of 2014, the petitioner availed the opportunity of amnesty and resigned from the post on



29.07.2015 which was forwarded to the State Project Director, Bihar Education Project Council and same was also made available to the Vigilance Department. Again, Block Officer, Dinara had submitted the report vide letter no. 50 dated 26.05.2022 mentioning the list of Niyojit teachers who tender their resignation in the amnesty period in which the name of the petitioner appears at Serial no. 1 (Annexure-D to the counter affidavit filed on behalf of the respondent no. 4).

8. Considering the whole conspectus of the case and submissions advanced on behalf of the parties, it is an admitted fact that the petitioner has availed the opportunity of amnesty and resigned from the post on 29.07.2015.

9. In view of the above observation, this writ application devoid of any merits and the same is accordingly dismissed.

(Anjani Kumar Sharan, J)

anand/-

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