

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5392 of 2024

Subhadra Devi Wife of Late Sudarshan Kumar Resident of Village- Kutri,
Post- Naromurar, P.S.- Warsaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Gaya.
5. The District Programme Officer, Establishment, Gaya.
6. The Block Education Officer, Aamas Block, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Adv.
For the Respondent/s	:	Mr.Sarvesh Kumar Singh, AAG-13 Mrs. Sunita Kumar, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 20-04-2024

Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that after removal from the post of Assistant Teacher, the health of petitioner's husband deteriorated and finally, he died on 04.03.2021 during his service period, before attaining the age of superannuation on 30.09.2021. The petitioner could not approach this Court during COVID-19 period and thereafter,



due to financial problems and health problems. After some time, she came to know about the reinstatement and consequential benefits being given to the similarly situated persons, but not given to her due to which she has been forced to prefer the present writ application.

3. It is further submitted 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.

4. It is further submitted that the petitioner's husband 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."

5. 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."

6. Learned counsel for the State submits that if the petitioner's husband is an appointee 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 his case as well.

7. Having regard to the submission 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-P/4(series) of the writ application and directs the respondents to consider the case of the petitioner 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’s husband as have been given to the other terminated teachers of the said list.

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

9. This writ application is disposed of to the extent indicated hereinabove.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2024
Transmission Date	NA

