

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5253 of 2023

Arun Kumar S/o Sri Ram Bilas Singh Resident of Village- Alipur, P.S.- Pawa-
puri, District- Nalanda, Presently posted as Assistant Teacher in Middle
School Bakaur, Islampur, Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education De-
partment, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar,
Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The District Education Officer Nalanda at Biharsharif.
5. The District Programme Officer (Establishment), Nalanda at Biharsharif

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Ram Sagar Singh, Advocate
For the State	:	Mr. Madhaw Pd. Yadaw, GP-23

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 28-11-2024

Heard learned counsels for the parties.

2. This writ application has been filed for quashing or-
der dated 03.11.2018 contained in Memo No. 4293 issued under
the signature of the District Programme Officer (Establishment),
Nalanda at Biharsharif (Respondent No. 5) and further for com-
manding the respondents to pay dues of salary to the petitioner
w.e.f. 01.11.2018 till the date and also current salary on month
to month basis and also for grant of all other consequential ben-
efits to the petitioner for which he is found entitled to.

3. Bereft of the unnecessary details, the facts of the



case are that after having completed graduation, petitioner got admission in B.Ed. Course in Session 1987-88 in Sogra College of Education, Biharsharif and passed B.Ed. Examination held in the year 1990 and result for the same was published in March, 1991 and mark-sheet was also issued to the petitioner by the University. Thereafter, petitioner was appointed as Assistant Teacher in Middle School Lima Kanya, Jandaha, Vaishali vide Memo No. 1415 dated 10.07.1999 and subsequently, petitioner joined the school on 11.08.1999 and since then he is continuously working.

4. It is the case of the petitioner that after so many years of satisfactory service, all of a sudden, vide Letter No. 4267 dated 02.11.2018 issued by the District Programme Officer (Establishment), Nalanda at Biharsharif (Respondent No. 5), a clarification has been asked from the petitioner questioning his B.Ed. Degree within a period of three days, however, on 03.11.2018 itself, Prapatra-Ka has been issued to the petitioner and his salary has been withheld w.e.f. 01.11.2018 on the ground that the B.Ed. Degrees of the petitioner from the Sogra College, Biharsharif is unrecognized but no such written orders were given to the petitioner and his salary has been stopped without giving any opportunity of hearing to the petitioner or conducting any proceedings, which is against the settled princi-



ple of law and also in violation of principle of natural justice.

5. In view of the aforesaid circumstances, the petitioner, along with another similarly situated, filed writ application before this Hon'ble Court vide *C.W.J.C. No. 5631 of 2021* which stood disposed of vide order dated 30.03.2022 with liberty to the petitioner to file appeal before the District Appellate Authority/State Appellate Authority. After getting the aforesaid order, the petitioner preferred appeal before the District Appellate Authority, Nalanda at Biharsharif on 28.04.2022, however, the said District Appellate Authority was not functional and, therefore, petitioner filed O.A. No. 456 of 2022 before the State Appellate Authority, which was disposed of vide order dated 13.03.2023 with liberty to the petitioner to move before the Court of competent jurisdiction.

6. Learned counsel appearing on behalf of the petitioner submits that similarly situated teachers whose salary was also stopped approached this Hon'ble Court by filing *C.W.J.C. No. 7648 of 2020* and after hearing the parties, this Hon'ble Court vide order dated 22.06.2022 directed the respondents to release and pay salary to such teachers and in compliance of the said order, the Additional Chief Secretary vide Letter No. 746 dated 11.07.2022 directed to all the D.Os./D.P.Os. (Establishment) to release and pay salary to such teachers and the same



was paid but not to this petitioner.

7. In this connection, learned counsel appearing on behalf of the petitioner has relied upon judgment of this Hon'ble Court dated 09.01.2024 passed in *C.W.J.C. No. 17970 of 2022* wherein similarly aggrieved teachers approached this Hon'ble Court and this Hon'ble Court was pleased to allow the writ application quashing the order of the State Appellate Authority and directing the respondents to make payment of salary along with all consequential benefits, including post retiral benefits, within a stipulated period.

8. Learned counsel appearing on behalf of the State is not in a position to dispute the contentions made on behalf of the petitioner.

9. Having heard the rival submissions advanced on behalf of the parties, facts and circumstances of the case as well as the law laid down by the Division Bench of this Hon'ble Court in *L.P.A. No. 280 of 2021* and the fact that the issue raised in the instant writ application is no more *res integra* as the same has already been decided by a Co-ordinate Bench of this Hon'ble Court vide judgment dated 09.01.2024 passed in *C.W.J.C. No. 17970 of 2022*, this Court does not find any reason to keep the instant writ application pending.

10. Accordingly, the impugned order dated



03.11.2018 contained in Memo No. 4293 passed by the District Programme Officer (Establishment), Nalanda at Biharsharif (Respondent No. 5), as contained in Annexure-6 to the instant writ application, is bad in the eyes of law and is hereby quashed and set aside.

11. Since the petitioner has already retired from the services during pendency of this case, the respondents are directed to ensure payment of all retiral benefits to the petitioner along with his due salary and consequential benefits, admissible to him in accordance with law, within a period of three months from the date of receipt/production of a copy of this order.

12. With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2024
Transmission Date	NA

