

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8386 of 2022

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1. Devendra Kumar Singh Son of Vishun Singh, resident of Village- Mahammadpur, P.O.- Shiopur Sakra, Police Station- Aswon, District- Siwan.
 2. Binda Kumari Wife of Rameshwar Singh, resident of Village and P.O. Belauidi, Police Station- Mohania, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Research and Development Department of H.R.D., Government of Bihar, Patna.
4. The Chairman, Bihar School Examination Board, Patna, Sinha Library Road, Patna.
5. The Secretary, Bihar School Examination Board, Patna, Sinha Library Road, Patna.
6. The Collector, District - Kaimur at Bhabua.
7. The District Education Officer, Kaimur at Bhabua.
8. The District Programme Officer, Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Bhushan, Adv. Mr.Chandra Mohan Jha, Adv.
For the Respondent/s	:	Mr.Madhaw Prasad Yadaw, GP-23

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 30-04-2024

Heard learned counsels for the parties.

2. The petitioner has prayed for the following reliefs:

1) For issuance of writ/writs to quash the office order through memo no. 396/Establishment dated 23.02.2022 issued in the signature of the District Programme Officer/Est. from the office of District Education Officer, Kaimur at



Bhabhua for the petitioner no.1 and the other office order vide memo no. 397/Est. dated 23.02.2022 issued under signature of District Programme Officer from the office of District Education Officer for petitioner no.2 by which their services as an Assistant Teacher on the regular basis have been terminated.

II) For issuance of an appropriate writ/writs directing the authorities for payment of salary to the petitioners which is due from May, 2020 till February, 2022.

III) For granting relief/reliefs for which the petitioners are entitled in the eye of law.

3. Learned counsel for the petitioners has placed various orders of this Court and submits that in similar circumstances when the services of other teachers whose named appeared in the list of 34540 vacancies came to be terminated and challenged before this Court, this Court held that the Apex Court in clear terms restrained any Court from interfering with the appointment of the teachers whose name appeared in the list of 34540 vacancies, it is difficult to the Court to approve any executive action in breach of the direction of the Hon'ble Supreme Court. The similar matters disposed by this Court relied upon by the learned counsel for the petitioners is CWJC



No. 11123 of 2016 and analogous cases, LPA No. 1254 of 2016 along with analogous cases, CWJC No. 24355 of 2018 and analogous cases and CWJC No. 6836 of 2013 and analogous cases.

4. In LPA No. 1254 of 2016, disposed of on 28.08.2023, a Division Bench of this Court held that persons appointed from the list of 34540 vacancies cannot be disturbed/terminated on the ground of qualification/certificate not having been properly verified unless otherwise permitted by Hon'ble Supreme Court. 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 counsel for the State submits that if the petitioners are 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 their cases as well.

6. 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 impugned orders of termination of the petitioners (Annexures 4 & 4/A) 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 petitioners as have been given to the other terminated teachers of the said list.

7. Accordingly, this writ application is allowed to the extent indicated above.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.05.2024
Transmission Date	NA

