

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13156 of 2015

1. Raj Kishor Mandal, Son of Late Roshan Lal Mandal, Resident of Village- Sarapur, P.S. Kursakanta, District- Araria.
2. Kanhaiya, Son of Padma Nand Jha, Resident of Village- Kothapur, P.S. Kursakanta, District- Araria.
3. Vikash Kumar Sukla, Son of Jiwa Nand Sukla, Resident of Village- Sijwa, P.S. Kursakanta, District- Araria.
4. Kumari Ranjana, D/o- Sri Umesh Chandar Singh, Resident of Village- Khuthara, P.S. Kursakanta, District- Araria
5. Raj Kumar Sah, Son of Dukhi Prasad Sah, Resident of Rajoula, P.S. Godan, District- Araria.
6. Diwakar Kumar Sah, Son of Jagdish Sah, Resident of Village- Madhubani, P.S. Kuwari, District- Araria.
7. Ram Narain Singh, Son of Sri Ganesh Lal Singh, Resident of Village- Shishawari, P.S. Kursakanta, District- Araria.
8. Abdul Rasid, Son of Md. Abid Hussain, Resident of village- Gariya, P.S. Kursakanta, District- Araria.
9. Gauri Kumari, D/o Dukhai Prasad Sah, Resident of Village- Rajamla, P.S. Godam, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Education, Officer, Araria.
5. The District Superintendent of Education, Araria.
6. The Block Education Officer-cum-Membaer Secretary, Block Shikshak Appointment Committee, Block- Kursakantha, District- Araria.
7. The Block Development Officer, Kursakanta Block, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 06-02-2024



1. Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The petitioners have filed the instant application for the following relief :-

“1. That this writ application is being filed for issuance of appropriate writ/s, order/s or direction/s commanding upon the respondents to reinstate the petitioners on the post of Assistant Teachers (Physical) in Kurshakanta Block.”

3. The case of the petitioners is that pursuant to the respondents coming out with an advertisement in the Hindi daily newspaper Hindustan in the year 2008, the petitioners applied for appointment on the post of Assistant Teachers (Physical). A merit list was prepared by the respondent concerned and the petitioners having been selected on the post of Assistant Teachers joined on 12.8.2010. Joining letters of the nine petitioners have been brought on record as Annexure-3 series to the writ application.

4. It is further case of the petitioners that they were asked by the authorities concerned to produce their educational certificates which they produced. Having joined, the petitioners started to discharge their duties to the satisfaction of all concerned. The petitioners were also sent for training which was



given to them by the Prakhand Sansadhan Kendra at Araria.

5. Learned counsel for the petitioners in reference to the letter dated 27.1.2015 purportedly written by the Examination Controller/Deputy Director, Directorate of Sports and Youth Services, M.S. Pune (Maharashtra) addressed to the District Programme Officer (Establishment) Araria submits that on verification, the certificates issued by the said institution to all the petitioners herein were found to be genuine. It is submitted that by an office order dated 7.7.2015 issued in compliance of the order of this Court passed in CWJC no.15459 of 2014, the Block Education Officer as also others were directed to take steps giving an opportunity to the teachers to submit their resignations. It was pursuant thereto that the petitioners were called by the Block Education Officer, Kursakanta in his office and were compelled by him to give their resignation under the threat of lodging an FIR against them. It was as a result of pressure of the Block Education Officer, though the certificates of the petitioners were not fake, that the resignations were submitted. However, soon thereafter on 9.7.2015 itself some of the teachers filed an application for withdrawal of the resignation vide letter contained in Annexure-12 to the second supplementary affidavit filed on behalf of the



petitioners. It is thus submitted that the resignations by the petitioners not being voluntary, they may be permitted to withdraw the same and the respondents be directed to reinstate the petitioners.

6. In response, learned counsel appearing for the State submits that the order of this Court being referred to by the petitioners is the order dated 22.6.2015 (Annexure-R4/A) passed in CWJC no.15459 of 2014, pursuant to which the petitioners voluntarily submitted their resignations. It is submitted that a representation dated 25.10.2016 (Annexure-9) was filed on behalf of the petitioners addressed to the District Programme Officer (Establishment) praying for withdrawal of their resignation letters but the same does not mention about any threat or coercion by the authorities concerned. It only states that it was in a hurry as a result of the order of this Court that the teachers had given their resignation. It is thus submitted that so far as the letter of withdrawal of resignation dated 9.7.2015 (Annexure-12) is concerned, the same appears to be an interpolated document. It is thus submitted that there is no merit in the instant writ application and the same be dismissed.

7. Having heard learned counsel for the parties and having perused the material on record it transpires that the



petitioners who were appointed as Assistant Teachers (Physical) in the year 2010, were discharging their function when CWJC no.15459 of 2014 was heard by a Division Bench of this Court and wherein order dated 22.6.2015 (Annexure-R4/A) was passed, relevant portion of which is reproduced herein below :-

“We direct the State, through the Education Department to publish a notice to the effect that in case any teacher of whatever category, has secured 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-either for prosecution or for recovery of the amount already paid. If on the other hand, any teacher after this general amnesty is found to have secured appointment on the basis of fake and fraudulent certificates, he would not only be subjected to the prosecution for offence of cheating etc., but the amount paid to him shall be recovered, if necessary, by selling his properties, apart from disqualifying him from any employment, whatever, in the organizations of the State.

The State shall ensure that this notice is published in the print and electronic media within two days. The District Education Officer shall also ensure that a copy of the notice is displayed in every school maintained by the Government.



*Let a copy of this order be given to Sri
Lalit Kisore, the learned Principal Advocate
General.*

Post after two weeks.”

8. It was consequent thereto that the petitioners herein submitted their resignations and which was accepted.

9. So far as the contention of the petitioners that the resignations were submitted under threat and coercion by the Block Education Officer, Kursakanta, of lodging FIRs against the petitioners is concerned and that the petitioners on the very date of their submitting the resignations had also filed a letter dated 9.7.2015 (Annexure-12) for withdrawal of the same, it is observed that so far as the writ application is concerned, there is no statement in the same that the resignations were submitted under threat and coercion by any authority. It was more than three years of filing the writ application that by filing a second supplementary affidavit on behalf of the petitioners on 13.12.2018 that this stand has been taken by the petitioners for the first time and a letter of withdrawal which was purportedly received by the authority on 9.7.2015 has been brought on record. The said receipt which is an illegible initial of a signature does not inspire confidence of the Court.

10. It would also be relevant to take note of the fact



that much prior to filing of the supplementary affidavit, as pointed out by learned counsel for the respondents, that the petitioners filed a representation on 25.10.2016 (Annexure-9) praying for withdrawal of their resignation and there was no statement with respect to threat or coercion by any of the authority even therein. It was clearly stated that it was consequent to the order of the High Court that the resignation letters were submitted in hurry.

11. In view of the facts and circumstances stated herein above, the Court comes to the conclusion that the petitioners had voluntarily and consciously submitted their resignation and the same having been accepted, there is no error in the same. The Court finds no merit in the writ application and the same is dismissed.

(Partha Sarthy, J)

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