

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19566 of 2016

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Neeta Kumari W/o Late Binod Kumar Verma, R/o Flat No. 102, Apurva Apartment, Shivaji Path, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Special Secretary, Secondary Education, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
4. The Deputy Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education, Patna Division, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19949 of 2016

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Sulekha Kumari wife of Late Tarkeshwar Tiwary, Resident of Village- Wajirganj Pipra, P.S.- Wajirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. Regional Deputy Director, Patna Division, Government of Bihar, Patna.
5. Principal, Government Girls High School, Bankipur, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20226 of 2016

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Seema Sinha W/o Sri Jayant Kumar Verma, R/o Panchvati Colony, Gulzarbagh, P.S. Alamganj, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Special Secretary, Secondary Education, Govt. of Bihar, Patna
3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna



- 4. The Deputy Director, Secondary Education, Education Department, Govt. of Bihar, Patna
- 5. The Regional Deputy Director of Education, Patna Division, Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 20232 of 2016

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Radha Kumari W/o- Sri Rajendra Thakur, R/o- B/37, Mitra Mandal Colony, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

- 1. The State Of Bihar through the Principal Secretary, Education Department. Government of Bihar, Patna.
- 2. The Special Secretary, Secondary Education, Govt. of Bihar, Patna.
- 3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
- 4. The Deputy Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
- 5. The Regional Deputy Director of Education, Patna Division, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 20238 of 2016

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Manju Thakur W/o- Late Kamal Kishore Choudhary, R/o- Village- Bhat Kundi, P.S.- Banka, District- Banka, at present- B/37, Mitra Mandal Colony, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

- 1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
- 2. The Special Secretary, Secondary Education, Govt. of Bihar, Patna.
- 3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
- 4. The Deputy Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
- 5. The Regional Deputy Director of Education, Patna Division, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 20348 of 2016



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Minni Gupta Wifeof Sri Ajay Kumar Gupta, C/o Sri Satya Narayan Prasad Sah, resident of Mohalla- Ward No.-21, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human Resource Development Department, Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Kosi Division, Saharsa.
4. The District Magistrate, Madhepura.
5. The District Education Officer, Madhepura.
6. The District Programme Officer, Establishment, Madhepura.
7. The Headmaster, Govt. Girls Middle School, Madhepura.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 20536 of 2016

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Madhuri Kumari W/o Sri Anil Kumar Chaudhary, R/o BNR Road, Gulzarbagh, P.S. Alamganj, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Commissioner - Cum - Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna.
5. The Director, Primary Education, Department of Education, Bihar, Patna.
6. The Deputy Director, Secondary Education Department of Education, Bihar, Patna.
7. The Regional Deputy Director, Patna Division, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 50 of 2017

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Pushpa Kumari Wife of Late Shashi Kumar Sah, resident of Village and Post-Mithai, District- Madhepura.

... .. Petitioner/s

Versus



1. The State Of Bihar through Principal Secretary, Human Resource Development Department, Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Kosi Division, Saharsa.
4. The District Magistrate, Madhepura.
5. The District Education Officer, Madhepura.
6. The District Programme Officer, Establishment, Madhepura.
7. The Headmaster, Govt. Girls Middle School, Madhepura.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 240 of 2017

Chanchal Kumari W/o Sri Abhay Kumar Sinha, R/o BNR Teachers Quarter,
P.S. - Alamganj, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Commissioner-cum-Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna.
5. The Director, Primary Education, Department of Education, Bihar, Patna.
6. The Deputy Director, Secondary Education, Department of Education, Bihar, Patna.
7. The Regional Deputy Director, Patna Division, Patna.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 261 of 2017

Ranjani Kumari @ Rajni Kumari W/o Sri Lal Babu Chaudhary, R/o Ganga Vihar Colony, Tekari Road, Choudhary Tola, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Commissioner-cum-Secretary, Human Resources Development Department, Government of Bihar, Patna.



4. The Director, Secondary Education, Government of Bihar, Patna.
5. The Director, Primary Education, Department of Education, Bihar, Patna.
6. The Deputy Director, Secondary Education, Department of Education, Bihar, Patna.
7. The Regional Deputy Director, Patna Division, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19566 of 2016)

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Advocate
	:	Mr.Prabhojot Singh, Advocate
	:	Mr.Abhiheet, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha-GP 27
	:	Mr.Hari Mohan Mishra, AC to GP 27

(In Civil Writ Jurisdiction Case No. 19949 of 2016)

For the Petitioner/s	:	Mr.Kumar Kaushik, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha-Gp27

(In Civil Writ Jurisdiction Case No. 20226 of 2016)

For the Petitioner/s	:	Mr.Mr.Rajeev Kumar Singh, Advocate
	:	Mr.Prabhojot Singh, Advocate
	:	Mr.Abhiheet, Advocate
For the Respondent/s	:	Ms.Namrata Singh-AC to GA 12

(In Civil Writ Jurisdiction Case No. 20232 of 2016)

For the Petitioner/s	:	Mr.Mr.Rajeev Kumar Singh, Advocate
	:	Mr.Prabhojot Singh, Advocate
	:	Mr.Abhiheet, Advocate
For the Respondents	:	Ms.Namrata Singh, AC to EX GA 12

(In Civil Writ Jurisdiction Case No. 20238 of 2016)

For the Petitioner/s	:	Mr.Mr.Rajeev Kumar Singh, Advocate
	:	Mr.Prabhojot Singh, Advocate
	:	Mr.Abhiheet, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha-GP 27
	:	Mr.Hari Mohan Mishra, AC to GP 27

(In Civil Writ Jurisdiction Case No. 20348 of 2016)

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr.Madanjit Singh- GP 20

(In Civil Writ Jurisdiction Case No. 20536 of 2016)

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
	:	Mr.Keshav Kumar, Advocate
For the Respondent/s	:	Smt. Shilpa Singh- GA12

(In Civil Writ Jurisdiction Case No. 50 of 2017)

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr.Smt. Shilpa Singh- GA12

(In Civil Writ Jurisdiction Case No. 240 of 2017)

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
	:	Mr.Keshav Kumar, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha- GP27

(In Civil Writ Jurisdiction Case No. 261 of 2017)

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
	:	Mr.Keshav Kumar, Advocate
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey- AAG 15
	:	Mr.Prabhat Ranjan Singh, AC to AAG 15



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT
Date : 09-09-2024

1. Heard learned counsel for the parties concerned.
2. The common question of law and facts are involved in all these cases. Accordingly, with the consent of the parties, these writ applications are being disposed off by a common order.
3. These writ applications have been filed for quashing various letters issued in 2016, by the Regional Deputy Director of Education, Patna Division, Patna, whereby and whereunder petitioners have been terminated from their services.
4. The brief facts of the cases are that pursuant to an advertisement issued by the Office of School Inspector-cum-Deputy Director of Education, Bihar in the year 1988, for the post of Assistant Teachers in various Schools under Lower Subordinate Education Service, the petitioners were declared successful in the selection process and were appointed against the vacant post of Matric Trained Teachers and were posted in different Schools. On 18.12.1988, pursuant to the direction of this Hon'ble Court, C.B.I. carried out an inquiry relating to irregularities/ illegality in the appointment/ promotion of the



Teachers. In the year 2006 on various dates, show causes were issued to the petitioners, asking about various types of irregularities, which were found by C.B.I. during investigation, including appointments being made without following the due process. The reply was submitted by the petitioners stating that the appointments were made after fulfilling all the requisite procedures and requested the Authority to absolve them from the allegation. Suddenly, a second show cause notice was issued on different dates in the year, 2016, requiring the petitioners to respond in relation to their appointments.

5. Learned counsel for the petitioners submits that after irregularities pointed out by C.B.I. in the inquiry report, submitted by the C.B.I. in the year 2006, no memo of charge was served upon the petitioners. The petitioners were also not given opportunity to submit their defense upon the memo of charge and there is no order of initiation of departmental proceedings against the petitioner and no Inquiry Officer was appointed. Learned counsel further submits that the Presenting Officer was also not appointed, witnesses were not produced nor any documents were exhibited. Accordingly, the case of the petitioners is that without holding the departmental



proceeding as per procedure established by law, suddenly the order of termination was passed against the petitioners on 18.11.2016/ 24.08.2016, which are the orders impugned in these writ applications. This Court has stayed the order of termination on 18.01.2017 in all the cases.

6. Learned counsel for the petitioners relies upon the judgment of a Division Bench of this Court in ***L.P.A. No. 1219 of 2023 (Kamini Kumari v. The State of Bihar and others)*** and other analogous cases, ***L.P.A. No. 1244 of 2023 (Usha Kiran Sinha v. The State of Bihar and others)*** and other analogous case and ***L.P.A. No. 1284 of 2023 (Mala Sinha v. The State of Bihar and others)*** and other analogous cases, and submits that the aforesaid batch of cases are on the identical facts and are relating to the order of termination and withholding of pension of the similarly situated Teachers. In paragraph no. 43 of ***L.P.A. No. 1219 of 2023***, a Division Bench of this Court has observed in the following manner :-

“ (43) Less said the better about the manner in which the inquiry was conducted. The memo of charges only contained the extract of the C.B.I. report pointing out the alleged irregularity, as



against the appointment of the individual petitioners. There was none examined at the inquiry nor documents marked. The extract of the C.B.I. report could have been marked and proved only by the person who prepared the report or another officer of the C.B.I., who could depose on the basis of the records. This procedure was not followed and the inquiry officer did not independently consider the irregularity in appointment alleged.”

7. Relying upon the judgment passed in L.P.A. No. 1244 of 2023, learned counsel submits that the Division Bench of this Court has taken note of the fact that in the Enquiry Report, C.B.I. has pointed out that advertisement was not issued, candidates were not sourced from the Employment Exchange, reservation roster was not followed, sanction of the competent authority was not obtained and there was no interview in the appointment of the Teachers, who were proceeded with. The Division Bench has held that these are allegations against the Government officials, who appointed the Teachers and not necessarily a misconduct committed by the appointed Teachers. The Teachers, had an unblemished record and there was nothing revealed in their service



regarding their incapacity to discharge their duties or disentitlement to be so appointed.

8. On the other hand, learned counsel for the State submits that it is true that the cases of the petitioners are covered by the Division Bench judgment of this Court.

9. Having heard learned counsel for the parties and having gone through the materials on record, it is evident that before order of termination was passed, no proceeding, at all, in the name of departmental proceeding was initiated and conducted by the respondent- authorities. In the identical facts, the Division Bench of this Court interfered with the order of termination of the teachers in the case of ***Kamini Kumari v. The State of Bihar and others (L.P.A. No. 1219 of 2023)***. The cases of the petitioners are fully covered by the orders passed by the Division Bench of this Court in ***Kamini Kumar (supra)***.

10. In the result, these writ applications are allowed. The order of termination of the petitioners dated 18.11.2016/ 24.08.2016 are hereby quashed and the respondents are directed to pay the salary and allowances to the petitioners till their date of superannuation and those who



have superannuated, shall be paid their full pension and other consequential and monetary benefits, in accordance with law. It goes without saying that at the time of calculating the arrears of salary, the payment already made to the petitioners shall be adjusted.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2024
Transmission Date	NA

