

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5123 of 2016

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Rajendra Paswan Son of Late Rameshwar Das resident of village -
Chakhamind, P.O. Birju Milki, P.S. Harnaut, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Vikash Bhawan, Patna
3. The Joint Secretary, Education Department, Vikash Bhawan, Patna
4. The Director, Primary Education, Govt. of Bihar, Patna
5. The District Education officer, Nalanda
6. The Block Education Extension Officer, Sarmera, District - Nalanda
7. The Headmaster Middle School, Malaon, Sarmera, District - Nalanda
8. The District Programme officer Eastablishment , Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Respondent/s : Mr. R.R.K. Pandey, SC-29

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 20-04-2024 1. Learned counsel for the petitioner submits that
- the petitioner has challenged the order contained in Annexure-4,
dated 15.07.2014, bearing Memo No. 5098, passed by the
respondent-District Education Officer, Nalanda, by which the
appointment of the petitioner as Assistant Teacher has been
cancelled.
2. The petitioner was appointed on the post of
Assistant Teacher on 14.02.2012, vide Annexure-2, pursuant to
the order passed by the Hon'ble Supreme Court against the
34540 vacancies of Trained Teachers under supervision of



Hon'ble Mr. Justice S. K. Chattopadhyaya (Retired) Committee.
The recommendation of the Hon'ble Mr. Justice S. K. Chattopadhyaya (Retired) Committee has been accepted by the Hon'ble Supreme Court.

3. The petitioner was dismissed from service from the post of Assistant Teacher on the ground that the training certificate produced by him at the time of appointment was forged.

4. According to the petitioner he joined on the post of Assistant Teacher on 15.02.2012 and continued to work till his termination on 25.07.2014.

5. The petitioner has filed the present writ application for quashing of the impugned order annexed at Annexure-4 by which the service of the petitioner has been terminated and he further prays to direct the respondents to reinstate him on the post with all consequential benefits.

6. Mr. Ashok Kumar Mishra, learned counsel appearing on behalf of the petitioner has placed various orders of this Court and submits that in similar circumstances where the services of the other teachers, whose names appeared in the list of 34540 candidates, had been terminated, challenged the order of their termination before this Court in LPA No. 1254 of



2016 (The State of Bihar and Ors vs. Sanjay Kumar Chaudhary and Anr.) and a Division Bench of this Court has held that the Hon'ble Supreme Court, in clear terms, restrained any Court from interfering with the appointment of the teachers whose names appeared in the list of 34540 candidates.

7. It is difficult for the Court to approve any executive action in breach of the direction of the Hon'ble Supreme Court.

8. Learned counsel for the petitioner has relied upon the similar matters which have been disposed of by this Court in CWJC No. 24355 of 2018 and analogous cases, including CWJC No. 4770 of 2016.

9. In LPA No. 1254 of 2016, disposed of on 28.08.2023, the Division Bench of this Court held that persons appointed from the list of 34540 candidates cannot be disturbed/terminated on the ground of qualification/certificate not having been properly verified; unless otherwise permitted by the Hon'ble Supreme Court. Paragraph-16 of the order, dated 28.08.2023, is being quoted herein below :

“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.”

10. Learned counsel for the State submits that the training certificate of the petitioner was not from the recognized institution. The certificate is neither recognized by the State Government nor Union of India or the NCTE.

11. Regards being had to the submissions made by



learned counsel for the parties and after going through various orders passed by this Court, including the decision of the Division Bench, passed in LPA No. 1254 of 2016 and analogous cases, I am of the view that the case of the petitioner is fully covered by LPA No. 1254 of 2016 and other cases (supra) inasmuch as the name of the petitioner is reflected in the list of 34540 candidates (Annexure-3 to this writ application).

12. Accordingly, the impugned order of termination, dated 25.07.2014 (Annexure-4) is set aside and the respondents are directed to reinstate the petitioner on his post and to pay all consequential benefits in accordance with law.

13. In the result, this writ application is allowed.

(Anil Kumar Sinha, J)

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