

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2263 of 2017

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Birendra Prasad Son of Late Kanhai Mistri resident of Moh.- Chhoti Sangat,
P.O. P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The Director, Research and Training, Government of Bihar, Patna.
6. The District Education Officer, Sheikhpura.
7. The District Programme Officer, Establishment, Sheikhpura.
8. The Registrar, Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Respondent/s : Mr.Ashutosh Ranjan Pandey- Aag15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 19-06-2024 1. Learned counsel for the petitioner submits that the petitioner has challenged the order contained in Annexure-7 dated 02.04.2016 bearing Memo No. 399 passed by the respondent-District Education Officer, Sheikhpura by which the services of the petitioner as Assistant Teacher, Middle School, Jiyani Bigha, Kosara, Sheikhpura has been terminated.
2. The petitioner was appointed on the post of Assistant Teacher on 10.02.2012 pursuant to the order passed by the



Hon'ble Supreme Court against 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 not valid.

4. According to the petitioner he joined on the post of Assistant Teacher on 10.02.2012 and continued to work till his termination on 02.04.2016.

5. The petitioner has filed the present writ application for quashing of the impugned order annexed at Annexure-7 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-4 to this writ application).

12. Accordingly, the impugned order of termination dated



02.04.2016 (Annexure-7) 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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