

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8100 of 2024

1. Ram Krishan Prasad Son of Late Deo Preet Prasad, Resident of Village-Rasalpur, Post- Nasratpur, Police Station- Danapur, District-Patna.
2. Karu Paswan , Son of Late Rameshwar Paswan, Resident of Village-Champapur, Post- Ghosari, Police Station-Bakhtiyarpur, District- Patna.
3. Dinesh Kumar Paswan Son of Ram Bilash Paswan, Resident of Village Senduwara Post- Mahkar Police Station-Chandi, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer (Establishment), Patna.
7. The Bihar Staff Selection Commission, Patna.
8. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Manoj Kumar, Advocate
For the State : Mr. Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. This writ application has been filed for directing the respondents to appoint the petitioners as Assistant Teachers under 34350 category as their name has already been recommended and final place at Serial No. 1113 with ID No, OP2010117075,



25898 with ID No. OP 2010064155 and 927 with ID No. OP 2010118351 respectively in the State Select List as well as in the list recommended by the Bihar Staff Selection Commission to the Patna District against the Advertisement No. 210/10.

3. Learned counsel for the petitioners submits that the petitioners' case is squarely covered by a recent judgment dated 28.08.2023 delivered by the Division Bench of this Hon'ble Court in ***L.P.A. No. 1254 of 2016*** arising out of *C.W.J.C. No. 16580 of 2014* and other analogous cases. It is further submitted that name of petitioners also figures in the list of 34,540 elementary teachers approved by the Hon'ble Mr. Justice S.K. Chattopadhyay (Retd.) Committee. He further submits that the Hon'ble Supreme Court has in its judgment in *S.L.P. (Civil) No. 26824 of 2012* directed *inter alia* as under:-

“We make it clear that none of the persons appointed out of the 34,540 vacancies should be disturbed in any way, but the question of filling up the balance vacancies may be taken into consideration, while disposing of the applications in question.”

4. It is, in view of the aforementioned clarity given by the Hon'ble Supreme Court in its judgment, the Hon'ble Division Bench of this Court has held in ***L.P.A. No. 1254 of 2016*** and other analogous matters that there could be no



termination on the basis of a further verification. The views expressed by the Hon'ble Division Bench of this Court may be found in Paragraph Nos. 15 and 16, which reads as under:-

“15. We further notice the judgment of a Division Bench of this Court produced as Annexure B, along with the counter affidavit filed by respondent no. 4 in CWJC No. 6753 of 2013. The Division Bench after noticing the order of the Hon'ble Supreme Court dismissed the writ petitions claiming selection to the balance vacancies other than those filled up from 34540 posts. In fact, the Hon'ble Supreme Court has also noticed in the order dated 18.07.2013 that 2413 posts out of the 34540 posts were still left to be filled up. The direction by the Division Bench in LPA No. 1491 of 2014 and the analogous cases were to the effect that the Committee shall consider the case of the petitioners therein, in accordance with the procedure that was followed in the selection of 32127 teachers on the previous occasion. We are not concerned with the directions in LPA No. 1491 of 2014 which are with respect to the persons who were denied appointment as per the selection earlier conducted by the State of Bihar on the supervision of Justice Chattopadhyay.

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 directs the respondents to consider the case of the petitioners for appointment on the post of Assistant Teacher, keeping in view the Bihar Litigation Policy, 2011 and in the light of the judgments of this Court rendered in ***L.P.A. No. 1254 of 2016*** and other analogous



matters and grants similar benefits to the petitioners as have been given to the other similarly situated persons of the said list.

7. Let the entire exercise be completed within a period of three months from the date of receipt/production of a copy of this order.

8. With the aforesaid observations and directions, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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