

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8926 of 2020

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Priti D/o Ramesh Prasad Resident of Mohalla-Ward No.16, near S.D.S. College, Katra Khajanchi Mandir, Katra Bazar, Police Station-Bhagwan Bazar, District-Saran at Chapra, Presently Posted as Prakhand Teacher, Govt. Basic School, Rasulpur, Ekma-P.S.-Ekma, District-Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
6. The District Education Officer Saran at Chapra.
7. The District-Programme Officer (Establishment), Saran at Chapra.
8. The Block Development Officer-Cum-Executive Officer, Block-Ekma, District-Saran at Chapra.
9. The Block Education Officer, Ekma-2, Saran at Chapra.
10. The headmaster, Govt. Basic School, Rasulpur, Ekma, P.S.-Ekma, District-Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Ram Binod Singh, Adv.
For the Respondent/s	:	Mr. Priyadarshi Matri Sharan, AC to AAG15

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 07-10-2024 Heard learned Senior counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed seeking the
following reliefs:

(i) For issuance of writ in the nature of certiorari for quashing of letter no. 633 dated 22.06.2020 issued by the Block Development Officer-cum-Secretary, Prakhand Teacher Selection Unit, Ekma, Saran whereby the services of the petitioner as



Prakhand Teacher has been terminated along with direction for the recovery of the amount of the salary.

(ii) For issuance of writ in the nature of certiorari for quashing of the letter no. 2031 dated 17.08.2019 issued by the D.P.O. (Establishment), Saran at Chapra whereby he directed to the Prakhand Teacher Selection Unit, Ekma, Saran to take action for termination of service of the petitioner along with direction for the recovery of the amount of the salary.

(iii) For staying the operation of the impugned order contained in letter no. 633 dated 22.06.2020 issued under the signature of Block Development Officer cum Secretary, Panchayat Teacher, Selection Unit, Ekma, Saran during the pendency of the writ application.

(iv) For necessary direction upon the respondent authorities to reinstate the petitioner with full back wages and all consequential benefits.

(v) For necessary direction upon the respondent authorities for allowing the petitioner to mark her attendance in their respective school and also for a direction upon the respondent authorities to make payment of salary to the petitioner during the period of their work.

(vi) For necessary direction upon the respondent authorities to pay the arrears of salary to the petitioner with effect from May, 2019.

(vii) For issuance of any other appropriate writ, order or direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The present writ application is no more res integra, the similar issued was considered by the Division Bench of this Court in LPA No. 501 of 2017 has occasion to consider the effect of non compliance of principles of nature justice in the matter of termination. Relying upon the judgment of the Division Bench of this Court has considered the similar issued



in C.W.J.C. No. 6714 of 2017 vide order dated 02.09.2019.

4. In view of the decision of the Division Bench and the LPA Court in LPA No. 501 of 2017 dated 14.11.2017 and the order dated 02.09.2019 in C.W.J.C. No. 6714 of 2017, the present writ application is allowed. The order of termination is hereby quashed.

5. The respondents should reinstate the petitioner and thereafter proceed in the matter in accordance with law. For the intervening period, no salary will be will be paid to the petitioner. So far as the petitioner is concerned, it would be dependent upon the final outcome of the enquiry conducted by the respondents and the action that they propose to take after such enquiry.

6. With the aforesaid direction, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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