

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8930 of 2020

Chanda Kumari D/o Vijay Prasad Gupta, Resident of Mohalla- Kuldip Nagar
Police Station- Chapra Town, District-Saran at Chapra, Presently Posted as
Prakhand Teacher, Upgraded, Middle School, Lauwari Ekma-2, P.S.-Ekma,
District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of 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, Upgraded, Middle School, Lauwari, Ekma-2, P.s.-Ekma,
District-Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhayachal Singh, Sr. Adv. Mr. Ram Binod Singh, Adv.
For the Respondent/s	:	Mr. Ram Vinay Pd. Singh, AC to GA-XII

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 19-08-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the following
reliefs:

*“(i) For issuance of writ in the nature of
certiorari for quashing of the letter no. 633
dated 22.06.2020 issued by the Block
Development Officer-cum-Secretary,
Prakhand Teacher Selection Unit, Ekma,
Saran at Chapra 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 petitioner had appeared in the TET Examination, 2011 which was conducted by the Bihar School Examination Board and passed the same for which he was issued a certificate by the BSEB showing that he has obtained 90% marks in Paper-II.

4. The petitioner had applied for appointment as Block Teacher for Class VI to VIII (Hindi) in Ekma Block in the district of Saran. He was appointed on the said post. Later, certain discrepancies were detected with respect to the performance in the TET Examination and the marks obtained and because of that, a further verification of the credentials of those appointees were made.

5. The petitioner started discharging his duties in right earnest.

6. However, an FIR bearing Ekma P.S. Case No. 148 of 2019 came to be lodged on 09.07.2019 in which the



petitioner also was made an accused. During the course of investigation of the aforesaid case, it came to light that some of the appointees had forged their TET certificate.

7. The services of the petitioner thereafter was terminated along with a direction for recovery of the salary which had been received by him.

8. The aforesaid order was passed on 22.06.2020 without issuing any show cause notice to him.

9. It has been submitted on behalf of the petitioner that in exactly similar case, a coordinate Bench of this Court vide order dated 09.09.2019 passed in CWJC No. 4601 of 2018 (Ranjan Kumar Gupta v. The State of Bihar and Ors.) and other analogous cases have considered the issue involved in the present case and has set aside the order of termination as well as the order of recovery of the salary which was paid to the petitioner therein. Such order was also upheld in the LPA No. 501 of 2017(Ajit Kumar v. The State of Bihar and Ors.).

10. There is no dispute with respect to the above stated facts by the counsel for the State.

11. Having regard to the aforesaid facts and circumstances of the case, the order of termination of the petitioner is set aside. The petitioner is directed to be reinstated



in service.

12. The monetary benefits to the petitioner for the period that he had remained terminated shall abide by the inquiry which would be conducted by the respondents, if so advised, after due notice to the petitioner.

13. It is also clarified that the inquiry, if any, shall be conducted in accordance with the prescribed procedure and law in that regard and thereafter a final decision shall be taken expeditiously, after affording an opportunity of hearing to the petitioner.

14. The writ petition stands allowed and disposed off.

(Anjani Kumar Sharan, J)

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