

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10262 of 2023

Subhash Kumar Suman Son of Ramcharan Sharma, Resident of Bhawanipur,
Post- Dighri, Surajgaraha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director, Munger Division, Education Department, Government of Bihar, Patna.
5. The District Education Officer, Lakhisarai.
6. The District Program Officer, (Establishment), Education Department, Lakhisarai.
7. The Block Education Officer, Lakhisarai.
8. The Drawing and Disbursement Officer, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailesh Anand
For the Respondent/s : Mr. Smt. Binita Singh (Sc 28)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 05-04-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. Learned counsel for the petitioner submits that this writ application is squarely covered by the judgment of the Hon'ble Division Bench rendered on 28.02.2023 in LPA No. 1254 of 2016 and other analogous appeals and order of this Court passed in C.W.J.C. No. 24355 of 2018 dated 08.09.2023.

3. The grievance of the petitioner in this writ



application is that having been appointed as a 'Teacher' in the Middle School by virtue of his name appearing in the list prepared by Hon'ble Mr. Justice S.K. Chattopadhyaya (Retired) Committee to fill up 34,540 vacancies and he has been allowed to join his post, his services has been terminated later on, on the ground that he did not possess a valid training certificate. A prayer has been made in this writ application to quash the impugned memo by which the services of the petitioner has been terminated. A further prayer has been made to direct the respondents to reinstate the petitioner on his post with consequential benefits.

4. Learned counsel for the petitioner has cited several judgments of this Court to submit that in similar circumstance when the services of other teachers whose names appeared in the list of 34,540 vacancies came to be terminated and the same was challenged before this Court, this Court held that because the Hon'ble Apex Court in clear terms restrained any court from interfering with the appointment, it is difficult for the Court to approve any executive action in breach of the direction of the Hon'ble Supreme Court.

5. Learned counsel has placed before this Court a recent judgment of Hon'ble Division Bench of this Court in



L.P.A. No. 1254 of 2016 (arising out of CWJC No. 16580 of 2014) and other analogous appeals in which a challenge to the different judgments of the learned Writ Court at the instance of the State of Bihar came to be considered by the Hon'ble Division Bench.

6. The Hon'ble Division Bench, however, refused to interfere with the judgment of the learned Writ Court and once again took a view that where all the party respondents were appointed as per the direction of the Hon'ble Supreme Court, under the supervision of Justice S.K.Chattopadhyaya, they cannot be terminated on the ground of qualification not having been properly verified unless otherwise permitted by the Hon'ble Supreme Court.

7. Having heard learned counsel for the petitioner and the State and this being an admitted position that this case is covered by the judgment of the Hon'ble Division Bench, this Court is disposing of this writ application in terms of order dated 08.09.2023 passed in C.W.J.C. No. 24355 of 2018 (*Noorus Sabah vs. The State of Bihar and Ors.*) and other analogous matters. The operative part of the order passed in the case of *Noorus Sabah* (supra) is being reproduced hereunder for a ready reference:-

"7. Having regard to the submissions 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 sets aside the impugned orders of termination in the respective writ applications and directs the respondents to consider the case of the petitioners keeping in view the Bihar Litigation Policy, 2011 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 terminated teachers of the said list."

8. The Letter No. 372 dated 31.01.2023 (Annexure-P/6) of this writ application is set aside. The respondents are directed accordingly in terms of the aforementioned judgment of this Court.

9. Accordingly, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2024.
Transmission Date	NA

