

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4770 of 2016

1. Md. Ghulam Rasul Son of Late Md. Nizamuddin, Resident of Village and P.O.- Mahmuda, P.S.- Khodaganj, District- Nalanda.
- 2.1. Anibha Sinha Wife of Late Pankaj Kumar, resident of Uttari Patelnagar, P.O. and P.s. Islampur, District-Nalanda.
- 2.2. Ankit Kumar, son of Late Pankaj Kumar, resident of Uttari Patelnagar, P.O. and P.s. Islampur, District-Nalanda.
- 2.3. Anuja Sinha, daughter of Late Pankaj Kumar, resident of Uttari Patelnagar, P.O. and P.s. Islampur, District-Nalanda.
3. Renu Kumar Wife of Sri Kedar Narayan Singh, Resident of Village and P.O.- Ichahose, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Director Higher Education, Department of Education, Govt. of Bihar, Patna.
3. Director Primary Education, Department of Education, Govt. of Bihar, Patna.
4. Regional Deputy Director, Patna Division, Patna.
5. District Education Officer, Biharsharif, Nalanda.
6. District Programme Officer Establishment Nalanda at Biharsharif District Nalanda.
7. School Inspector, Block Resource Centre, Asthama District Nalanda.
8. School Inspector, Block Resource Centre, Biharsharif District Nalanda.
9. School Inspector, Block Resource Centre, Rahui District Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
For the Respondent/s : Mr. Madhav Prasad Yadav (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 10 01-04-2024 1. Heard the parties.
2. The grievance of the petitioners in this writ application is that they having been appointed as a teacher in the middle school by virtue of their names having been mentioned in



the list prepared by Hon'ble Mr. Justice S.K. Chattopadhyaya (Retired) Committee to fill up 34540 vacancies of teachers, they have been allowed to join the post in the year 2012 but subsequently by the impugned order passed in 2014, the services of the petitioners have been terminated on the ground that petitioners did not possess a valid training certificate. The petitioners have prayed for quashing of the impugned orders annexed at Annexure 1 by which the services of the petitioners have been terminated and further prayed to direct the respondents to reinstate the petitioners on their posts with consequential benefits.

3. Mr. Durga Nand Jha, learned counsel for the petitioners, have placed various orders of this Court and submits that in similar circumstances when the services of other teachers whose names appeared in the list of 34540 vacancies came to be terminated and challenged before this Court, this Court held that Hon'ble Apex Court in clear terms restrained any Court from interfering with the appointment of the teachers whose names appeared in the list of 34540 vacancies, it is difficult to the Court to approve any executive action in breach of the direction of



the Hon'ble Supreme Court. The similar matters disposed by this Court relied upon by the learned counsel for the petitioners is CWJC No. 11123 of 2016 and analogous cases, LPA No. 1254 of 2006 along with analogous cases, CWJC No. 24355 of 2018 and analogous cases and CWJC No. 6836 of 2013 and analogous cases.

4. In LPA No. 1254 of 2016, disposed of on 28.08.2023, a Division Bench of this Court held that persons appointed from the list of 34540 vacancies can not be disturbed/terminated on the ground of qualification/certificate not having been purposely verified unless otherwise permitted by Hon'ble Supreme Court. Paragraph 16 of the Division Bench Judgment, dated 28.08.2023, in LPA No. 1254 of 2016 (The State of Bihar and Others vs. Sanjay Kumar Chaudhary and Anothers) is being quoted hereinbelow:-

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 the case of the petitioners is covered by the Division Bench and other similar matters disposed by this Court.
6. I have heard learned counsel for the parties and after going through various orders passed by this Court including the Hon'ble Division Bench of this Court in LPA No. 1254 of 2016 and other analogous cases, I am of the view that the case of the petitioners is fully covered by the judgments passed by this Court on the similar issue inasmuch as the names of the petitioners are reflected in the list of 34540 teachers annexed with this writ application at Annexure 3.



7. In the result, the present writ application is allowed. The impugned orders at Annexure 1 series are set aside. The petitioner No. 2 has died on 23.04.2021 and I.A. No. 1 of 2023, filed by the legal heirs for substitution, has been allowed by this Court by order dated 25.09.2023 and legal heirs have been directed to be substituted in the present writ application. Since the impugned orders have been quashed and in the identical matters, this Court while quashing the impugned orders has directed for payment of consequential benefits, accordingly, the respondents are directed to pay all consequential benefits to the petitioners including the substituted legal heirs of petitioner No. 2.
8. This writ application stands disposed with the aforesaid directions.

(Anil Kumar Sinha, J)

HarshPandey/-

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