

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14991 of 2013

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Ramswarup Mahto Son Of Chulhai Mahto Resident Of Village- Laxmi
Narayanpur And P.S. Goraul, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resource Development Govt. Of Bihar, Patna
2. The Director Primary Education Govt. Of Bihar, Patna
3. The District Education Officer Vaishali At Hajipur
4. The District Programme Officer Establishment Vaishali At Hajipur
5. The Block Education Officer, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate
For the Respondent/state: Mr. Vivek Prasad, GP VII
Ms. Roona, AC to GP VII

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 13-03-2024 1. Learned counsel for the petitioner submits that the petitioner has challenged the order contained in Annexure- 6 dated 28.02.2013 bearing letter no. 1329 passed by the respondent - District Education Officer, Vaishali by which the appointment of the petitioner as Assistant Teacher was cancelled.

2. The petitioner was appointed as Assistant Teacher pursuant to the order passed by the Hon'ble Apex Court against 34540 vacancies of trained teachers under the supervision of Hon'ble Justice S.K. Chattopadhyay Commission. The recommendation of Justice S.K. Chattopadhyay Commission



has been accepted by the Hon'ble Supreme Court. The petitioner was dismissed from service on the ground that training certificate produced by the petitioner at the time of appointment was forged. According to the petitioner he joined on the post of Assistant Teacher on 23.02.2012 and continued to work till 28.02.2013.

3. The Interlocutory Application No. 1 of 2024 has been filed by the petitioner for amendment in the prayer portion i.e. for a direction upon the respondents concerned to pay due salary of the working period between 23.02.2012 to 28.02.2013. The petitioner has attained the age of superannuation in the year 2022 itself. Accordingly, learned counsel for the petitioner is pressing the amended prayer only before this Court. He relies upon the order of Division Bench judgment of this Court rendered in L.P.A. No. 1254 of 2016 and submits that this Court has held that teachers appointed as per the direction of the Hon'ble Supreme Court under the supervision of Justice S.K. Chattopadhyay cannot be terminated on grounds of qualifications not having been properly verified unless otherwise permitted by the Hon'ble Supreme Court.

4. Learned counsel for the State submits that petitioner may file a representation before the District Education Officer,



Vaishali for payment of salary for the period he has actually worked and the concerned authority shall consider the representation in accordance with law.

5. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in the I.A. No. 1 of 2024, the same stands allowed.

6. The writ application is disposed of with liberty to the petitioner to file representation before the D.E.O., Vaishali at Hajipur for payment of salary for the period the petitioner has actually worked. If such a representation is filed by the petitioner, the respondent no. 3 / D.E.O., Vaishali at Hajipur shall be obliged to decide the same in accordance with law within a period of three months from today.

(Anil Kumar Sinha, J)

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