

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19599 of 2021

-
1. Arvind Thakur, S/o Shri Bodhan Thakur, R/o Ward No. 13, At and P.O.-Karor, P.S.-Cheriabariarpur, District-Begusarai, presently working as Prakhanda Teacher (Physical), Rajkiyakrit Madhya Vidyalaya, Shreepur, Cheriabariarpur, District-Begusarai.
 2. Sudha Kumari, W/o Shri Arvind Thakur, R/o Ward No. 13, At and P.O.-Karor, P.S.-Cheriabariarpur, District-Begusarai, presently working as Prakhanda Teacher (Physical), Utkramit Madhya Vidyalaya, Prakhanda Colony, Cheriabariarpur, District-Begusarai.
 3. Ravindra Kumar Thakur, S/o Shri Bodhan Thakur, R/o Ward No. 13, At and P.O.-Karor, P.S.-Cheriabariarpur, District-Begusarai, presently working as Prakhanda Teacher (Physical), Rajkiyakrit Madhya Vidyalaya, Medhashahpur, Cheriabariarpur, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Education Officer, District-Begusarai.
4. The District Program Officer (Establishment), District-Begusarai.
5. The Block Development Officer-cum-Secretary Block Teachers Employment Unit, Block-Cheriabariarpur.
6. The Block Education Officer, Block-Cheriabariarpur, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-09-2024 Heard learned counsel for the petitioners and

learned counsel for the State.

2. This writ petition has been filed for the

following relief:

*“(i) To hold and declare that, since the
Appointment / Niyojan of the Petitioners*



on the posts of Prakhanda Teacher, was made after following all due process of law prevailing in the year 2006, hence, the appointment of the petitioners, vide Niyojan Patra -/ Appointment Letters as contained in, Memo No. 61 dated 22.12.2006, Memo No. 09 dated 30.11.2006 and Memo No. 62 dated 22.12.2006 [Annexure-1 Series) is legal, valid, and cannot be questioned after lapse of 15 years.

(ii) To hold and declare that, the Order of the District Program Officer (Establishment), Begusarai (Resp. No.4) as contained in Memo No. 2099 dated 08.04.2021, {not communicated to the petitioner, however} existence / issuance whereof is claimed by Resp. No.4, in his Letter No. 2255 Dated 10.05.2021 (Annexure-11) whereby and where under, the Respondent No.4 has recommended for cancellation / termination of the services as well as stoppage of salary of the petitioners, is bad in law and hence is fit to be set aside /quashed by this Hon'ble Court.

(iii) To hold and declare that, since, the show cause notices issued against the petitioners No. 1 and 2, vide letter No. 164 & 166 both dated 13.01.2021



(Annexure - 7 Series), are based on complaint of a hypothetical / non-existent person namely "Awadh Bihari" hence unsustainable in the eye of law, and cannot be proceeded with. Further, since the allegations contained in the show causes are vague and uncertain, hence even otherwise, arbitrary, discriminatory, malafie and bad in the eye of law and fit to be set aside by this Hon'ble Court.

(iv) For issuance of an order, direction or a writ in the nature of Mandamus directing the District Program Officer (Establishment), Begusarai (Resp. No.4) to bring on record, Memo No. 2099 dated 08.04.2021, {which is, as per the information received from reliable sources, not available in the records of the office of BDO cum Secretary Block Teachers Employment Unit, Cheriabariarpur} however, existence / issuance whereof is claimed by Resp. No.4, in his Letter No. 2255 Dated 10.05.2021 (Ann-11).

(v) For issuance of an order, direction or a writ in the nature of Certiorari for setting aside the Orders of the District Program Officer (Establishment), Begusarai (Resp. No.4) as contained in



Memo No. 2099 dated 08.04.2021 existence / issuance whereof is claimed by Resp. No.4, as well as Order of Respondent No. 4, as contained in Letter No. 2255 Dated 10.05.2021 (Annexure-11) whereby and where under, inter alia the Respondent No.4 has recommended for cancellation / termination of the services & stoppage of salary of the petitioners.

(vi) For issuance of an Order / Direction to the respondents concerned to make the payment of the current salary as well as the arrears of salary /remuneration of the petitioners forthwith.

(vii) For grant of any other relief or relief(s) to which the petitioners/applicants may be found entitled to, in the facts and circumstances of this case.”

3. Considering the facts and circumstances of the case, this writ petition is disposed of with a liberty to the petitioners to move before the District Appellate Authority within a period of four weeks from today, the District Appellate Authority shall decide the matter after affording opportunity of personal hearing or through their counsel by passing a reasoned and a speaking order, in accordance with law, within a period of



eight weeks, thereafter.

4. The writ petition stands disposed of on the
aforesaid terms.

(Anjani Kumar Sharan, J)

devendra/-

U			
---	--	--	--

