

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6353 of 2016

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Md. Iltaf Raza S/o Md. Sayeed, R/o Village P.O.- Azizpur Chandey, Bhaya-
Kumar Vajitpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Human Resource Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The Director, Research and Training, Government of Bihar, Patna.
6. The Secretary, Bihar School Examination Board, Buddha Marg, Patna.
7. The District Magistrate, Samastipur.
8. The District Education Officer, Samastipur.
9. The District Programme Officer, Establishment, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Shukla
For the Respondent/s : Mr. Gp14- Manoj Kr. Ambastha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 01-04-2024

1. Heard the parties.
2. The grievance of the petitioner in this writ application is that they having been appointed as an Assistant Teacher in the middle school by virtue of his name having been mentioned in the list prepared by Hon'ble Mr. Justice S.K. Chattopadhyaya (Retired) Committee to fill up 34540 vacancies of teachers, he has been allowed to join the post in the year 2012 but subsequently by the impugned order passed in 2014, the services of the petitioner has been terminated on the ground that petitioner did not possess a valid training certificate. The petitioner has prayed for quashing of the letter No. 1330 dated 28.02.2013 by which the services of the petitioner has been terminated and further prayed to direct the respondents to



reinstate the petitioner on his post with consequential benefits.

3. Mr. Gyanendra Kumar Shukla, learned counsel for the petitioner, has 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 petitioner 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 properly 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



Others) 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 petitioner 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 petitioner is fully covered by the judgments passed by



this Court on the similar issue inasmuch as the names of the petitioner is 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 letter No. 1330 dated 28.02.2013 is set aside. Since the letter No. 1330 dated 28.02.2013 has 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 petitioner.
8. This writ application stands disposed with the aforesaid directions.

(Anil Kumar Sinha, J)

HarshPandey/-

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