

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15646 of 2016

- 1.1. Ranju Devi late Laxuman Mahto District West Champaran , Bettiah
- 1.2. Shashibala Devi Late Laxuman Mahto West Champaran, Bettiah
- 1.3. Renu Devi Late Laxuman Mahto West Champaran, Bettiah
- 1.4. Pratima Devi Late Laxuman Mahto West Champaran, Bettiah
- 1.5. Ansu Kumari Late Laxuman Mahto Bettiah
- 1.6. Mukesh Kumar Late Laxuman Mahto West Champaran, Bettiah
- 1.7. Nikesh Kumar Late Laxuman Mahto West Champaran, Bettiah
- 1.8. Nitesh Kumar Late Laxuman Mahto West Champaran, Bettiah
2. Md. Wajaisho, son of Late Md. Harun, Assistant Teacher, Government Middle School, Sahanatar, Block- Lauria, District- West Champaran, Bettiah.
3. Nand Kishore Mishra, son of Late Mewa Mishir, Assistant Teacher, Middle School, Dhomini, Block- Lauria, District- West Champaran, Bettiah. Resident of Village- Bhobami, P.S.- Bhobami, P.S.- Lauriya, District- West Champaran, Bettiah.
4. Md. Mustakim, son of Late Md. Said, Assistant Teacher, Government Primary School, Badahiatola, Block- Chanpatia, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Joint Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, West Champaran, Bettiah.
5. The District Programme Officer Establishment, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh
For the Respondent/s	:	Mr. Jitendra Kr. Roy No. 1- Sc13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 16-05-2024 | 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 order bearing Memo No. 3375 dated 26.08.2016 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. 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 teachers 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 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 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.

7. In the result, the present writ application is allowed. The impugned order bearing Memo No. 3375 dated 26.08.2016 is set aside.
8. The petitioner No. 1 has died on 12.11.2017 and I.A. No. 3696 of 2018, filed by the legal heirs for substitution, has been allowed by this Court by order dated 20.11.2018 and legal heirs have been directed to be substituted in the present writ application.
9. 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. 1.
10. This writ application stands disposed with the aforesaid directions.

(Anil Kumar Sinha, J)

HarshPandey/-

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