

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13925 of 2015

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Kumari Sushama Singh W/o Umesh Prasad Resident of Village - Khadahi,
P.S. Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The Secretary, Education Department, Govt. of Bihar, Patna.
4. The District Programme Officer (Establishment), Siwan.
5. The Block Development Officer, Mairwa, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate Mr. Gyanendra Kumar, Advocate
For the Respondent/s	:	Mr. Dhurjati Kr Prasad, G.P.14 Ms. Jahan Ara, A.C. to G.P.14

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-02-2024

1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

*“1. That this is an application for
issuance of an appropriate writ(s), order(s),
direction(s) for quashing of the letter contained in
letter No.2301, dated 24/7/2015 whereby and
where under the District Programme
Officer(Establishment), Siwan in his letter to Block
Development Officer-Cum- Secretary, Block
Teachers Appointment Committee, Mairwa, Siwan
has directed him to initiate the process for
cancellation of the appointment of petitioner from
the post of Prakhanda Teacher.*



And further during the pendency of the instant writ application, the Respondent may be restrained to interfere in any manner with the services of the petitioner and she may be allowed to work.

And/Or

Pass such other order(s) as your Lordships may deem fit and proper.”

3. The case of the petitioner in brief is that the orders impugned have been passed by the respondent-authorities on the ground that the institution from which the petitioner had acquired her intermediate qualification ie the Navbharat Shiksha Parishad, Orissa, it was held by a learned Single Judge of this Court in order dated 13.2.2014 (Annexure-A to the counter affidavit) in CWJC no.1634 of 2014 that the petitioner therein who had obtained his qualification from the same institution not having been able to produce any evidence that the said institution was recognised by the State Government of Orissa, cannot be allowed to continue in service.

4. Learned counsel for the petitioner submits that very basis of passing the impugned order which was the order dated 13.2.2014 passed in CWJC no.1634 of 2014 has been set aside by the learned Division Bench by its judgment dated 8.7.2015 passed in LPA no.1347 of 2014 (Ritesh Kumar vs. The State of Bihar) and the respondents have no other ground for passing the impugned order. Thus the same cannot be sustained and as a



result be set aside.

5. Learned counsel for the respondents, in reference to the counter affidavit filed, submits that it is true that the basis for passing the impugned order was only the order dated 13.2.2014 passed by the learned Single Judge as stated above. However, with respect to the order dated 8.7.2015 allowing LPA no.1347 of 2014, it is submitted that the said appeal was allowed and the order passed in the writ petition was set aside 'subject to the condition that continuance of the appellant or other persons who are appointed on the basis of certificates issued by Navbharat Shiksha Parishad, Orissa shall be subject to further verification by the competent authority'.

6. In view of the facts and circumstances stated herein above, with passing of the order dated 8.7.2015 by the learned Division Bench in LPA no.1347 of 2014, the very basis of passing of the impugned order by the respondent authorities having gone, the order impugned in the writ application cannot be sustained. The orders impugned contained in letter no.2301 dated 24.7.2015 (Annexure-1) and the letter no.960 dated 22.7.2014 (Annexure-1/A) are both set aside with a direction that the petitioner shall be reinstated and the consequential monetary benefits shall be paid to the petitioner within a period



of four months from the date of receipt/production of a copy of this order.

7. It goes without saying that the above order will be subject to further verification which may be carried out by the competent authority with respect to the recognition of the institution in question. However, the said verification shall in any case be completed within a period of three months from the date of receipt/production of a copy of this order.

8. The writ application stands allowed.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.02.2024
Transmission Date	

