

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16384 of 2016

1.Ehsanul Haque , S/o Md. Ebrarul Haque , R/o village- Akbarpur, P.O-
Mathurapur, P.S- Warisnagar, Dist- Samastipur
2. Shobha Kant Yadav, S/O Late Mahabir Yadav, R/O village- Paroriya, P.O-
Mangalgar, P.S- Hasanpur, Dist- Samastipur

... .. Petitioner/s

Versus

1.The State Of Bihar through the Chief Secretary, Government of Bihar,
Patna.
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 & Training, Government of Bihar, Patna
6. The Secretary, Bihar School Examination Board, Buddh Marg, Patna
7.The District Magistrate, Samastipur
8. The District Magistrate, Kishanganj
9. the District Education Officer, Samastipur
10. The District Education Officer, Kishanganj
11. The District Programme Officer, Establishment, Samastipur.
12. The District programme Officer, Establishment, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha, Adv
For the Respondent/s : Ms. Namrata Singh , AC to EX.G.A-12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 30-07-2024 1. The grievance of the petitioners in this writ application is that they having been appointed as Assistant Teacher in the Middle School by virtue of their name having been mentioned in the list prepared by the Hon'ble Mr. Justice S.K. Chhattopadhyay (Retired) Committee to fill up 34,540 vacancies of teachers, they have been allowed to join the post in the year 2012 but by the impugned order passed in 2014, services of the petitioners have been terminated on the ground



that they did not have the valid training certificate and the training school from where the petitioners have completed their training was not recognized.

2. The petitioners have prayed for quashing of the letter contained in memo no. 2067 dated 14.10.2014 and letter contained in memo no. 2068 dated 14.10.2014 respectively by which the services of the petitioners have been terminated and further prayed to direct the respondents to reinstate the petitioners to the post with consequential benefit.

3. Mr. Gyanendra Kumar Shukla, learned counsel for the petitioners, 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 in the appointment of the teachers whose name appeared in the list of 34540 vacancies. It is difficult to the Court to approve any distinctive action in breach of the direction of the Hon'ble Supreme Court. In the similar matter, disposed by this Court, relied upon by the learned counsel in 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. 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 cannot be disturbed/terminated on the ground of qualification/certificate not having been approved properly verified unless otherwise permitted by the Hon'ble Supreme Court. Para 16 of the Division Bench judgment is being quoted hereinbelow:-

16. 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.

4. Learned counsel for the State submits that the case of the petitioners is covered by the Division Bench judgment and other similar matters disposed by this Court.

5. I have heard learned counsel for the parties and after going through the various orders passed by this Court including the order of Hon'ble Division Bench in L.P.A. No. 1254 of 2016, I am of the view that the case of the petitioners is fully covered by the judgments passed by this Court on a similar issue.

6. In the result, this writ application is allowed. The impugned letter contained in memo no. 2067 dated 14.10.2014 and letter contained in memo no. 2068 dated 14.10.2014 are set aside. The respondents are directed to pay consequential monetary benefits to the petitioners within three months.

(Anil Kumar Sinha, J)

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