

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15541 of 2023

Sanjay Kumar Singh S/o Haridev Prasad Singh, Permanently Resident of Village and Post- Majhigama, P.S.- Keoti, District- Darbhanga, Presently Residing at C/o- Satyam Singh, Ward No. 13, Nagar Panchayat Simrahi, Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Supaul, Distt. -Supaul.
5. The District Programme Officer Establishment, Supaul.
6. The Block Education Officer, Raghapur, Distt.-Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Shukla, Adv.
For the Respondent/s : Mr.Jitendra Kumar Roy 1, SC-13

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-04-2024

Heard learned counsels for the parties.

2. The petitioner has prayed for the following reliefs:

1) To issue a writ of certiorari for quashing the order of District Education Officer, Supaul whereby and whereunder the petitioner has been terminated from the service in a very arbitrary and cavalier manner vide office order contained in Memo No. 1097 (Ni) dated 02.06.2023 pursuant to the letters issued by the



Joint Secretary, Education Department, Bihar, Patna vide Memo No. 12/Prashikshan-09/2012-412 dated 24.06.2015 whereby and whereunder the petitioner's teacher training certificate of Lord Buddha Primary Teachers Training College has been declared as not valid which is patently illegal and arbitrary in the eyes of law.

II) It is further prayed that this Hon'ble Court be pleased to hold and adjudicate that the certificate of the petitioner is valid and genuine and thus his appointment was made vide Memo No. 302-73 (Ni) dated 07.02.2012 on the post of Assistant Teacher pursuant to the direction of the Apex Court from the approved list of the Trained Teachers.

III) It is further prayed prayed for issuance of an appropriate order/orders in the nature of mandamus directing and commanding the respondents to reinstate the petitioner on post of Assistant teachers in District-Supaul with all consequential benefits.

IV) It is further prayed that this Hon'ble Court be pleased to grant



any other relief for which petitioner is found entitled and an appropriate writ/writs, order/orders or direction/directions may be issued under the given facts and circumstances of the case.

3. 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 named appeared in the list of 34540 vacancies came to be terminated and challenged before this Court, this Court held that the Apex Court in clear terms restrained any Court from interfering with the appointment of the teachers whose name 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 cannot be disturbed/terminated on



the ground of qualification/certificate not having been properly verified unless otherwise permitted by Hon'ble Supreme Court.

5. In view of the facts aforesaid, the case of the petitioner is squarely covered with the judgment dated 28.08.2023 passed in LPA No. 1254 of 2016 and other analogous cases. He further submits that some co-ordinate Bench of this Court has also passed judgments in the case of others and the petitioner's case stands on similar footing.

6. In view of the fair submission made by learned counsel for the petitioner, in my view, no useful purpose would be served keeping this writ application pending.

7. Accordingly, this writ application is disposed of with a direction to the petitioner to file a representation before the District Education Officer, Supaul (respondent no.4) along with the judgment aforesaid and other documents in support of his claim. The District Education Officer, Supaul (respondent no.4) shall dispose of the representation of the petitioner by a reasoned and speaking order within a period of eight weeks from the date of receipt/production of a copy of this order.

8. The memo no. 1097 dated 02.06.2023 (Annexure-7) is hereby quashed.

9. The Court has not gone through the merit of the writ



application.

10. Accordingly, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2024
Transmission Date	NA

