

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15259 of 2023

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1. Md. Jamil Asaghar Son of Md. Quasim Resident of Village-Rupaspur, P.S. Khudaganj, District-Nalanda.
 2. Md. Sartajul Haque Son of Late Md. Anwarul Haque Resident of Mohalla Banauliya P.S. Biharsharif, District-Nalanda.
 3. Naziruddin Son of Moinuddin Resident of Village-Kashma, P.S. Chandauti District-Gaya,
 4. Md. Shamim Akhtar Son of Late Md. Nazamuddin Resident of Village-Chamanbagh P.S. Pakribarawan, District-Nawada.
 5. Md. Raziuddin Son of Md. Moin Uddin Resident of Mohalla-Emadpur, P.S. Bihar Sharif, District Nalanda.
 6. Md. Shahzad Son of Md. Mohsin Resident of Mohalla Shekhana Khurd P.S. Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secreary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education Government of Bihar, Patna.
5. The District Education Officer, Nalanda.
6. The District Education Officer, Nawada.
7. The District Programme Officer, Nawada.
8. The District Programme Officer, Nalanda.
9. The Executive Officer, Nagar Panchayat, Warshaliganj, Nawada.
10. Nagar Panchayat, Warshaliganj through its Executive Officer, Warshaliganj, Nawada.
11. The B.D.O., Warshaliganj, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Respondent/s : Mrs. Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 22-03-2024

Heard learned counsel for the petitioners and



learned counsel for the State.

2. Learned counsel for the petitioners submits that the petitioners' case is squarely covered by a recent judgment dated 28.08.2023 delivered by the Division Bench of this Court in L.P.A. No. 1254 of 2016 arising out of C.W.J.C. No. 24355 of 2018 and other analogous cases.

3. Mr. Ashok Kumar Mishra, learned counsel for the petitioners submits that the petitioners also figured in the list of 34,540 elementary teachers approved by the Hon'ble Mr. Justice S.K. Chattopadhyay (Retd.) Committee. He further submits that the Hon'ble Supreme Court has in its judgment in SLP (Civil) No. 26824 of 2012 directed inter-alia as under:-

"We make it clear that none of the persons appointed out of the 34,540 vacancies should be disturbed in any way, but the question of filling up the balance vacancies may be taken into consideration, while disposing of the applications in question."

4. It is, in view of the aforementioned clarity given by the Hon'ble Supreme Court in its judgment, the Hon'ble Division Bench of this Court has held in L.P.A. No.1254 of 2016 and other analogous matters that there could be no termination on the basis of a further verification. The views expressed by the Hon'ble Division Bench of this Court may be found in paragraph '16' as under:-



"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."

5. Mrs. Binita Singh, learned SC-28 for the State is present. It is submitted that if the petitioners are appointees from the list of 34,540 candidates which was approved by the Hon'ble Supreme Court, then the Hon'ble Division Bench judgment would be applicable in their cases as well.

6. Having regard to the submissions noted hereinabove, in view of the developments in the form of Hon'ble Division Bench judgment in L.P.A. No.1254 of 2016 and other analogous cases, this Court quash the Annexures-P/1, P/2, P/3, P/4 and P/5 of the writ application and directs the respondents to



consider the case of the petitioners keeping in view the Bihar Litigation Policy, 2011 in the light of the judgments of this Court rendered in L.P.A. No.1254 of 2016 and other analogous matters, L.P.A. No.1309 of 2017 and L.P.A. No. 1310 of 2017 and grants similar benefits to the petitioners as have been given to the other terminated teachers of the said list.

7. Let the entire exercise be completed within a period of three months from the date of receipt/production of a copy of this order.

8. This writ petition is allowed to the extent indicated hereinabove.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28 .03.2024
Transmission Date	NA

