

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14604 of 2023

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1. Bijendra Prasad Son of Late Sukhdeo Prasad, Resident of Village-Kalabigha, P.O. and Police Station-Telhara, District- Nalanda.
 2. Ashok Kumar Son of Late Narayan Ram, Resident of Village-Maghra Sarai, P.O.- Maghra, Police Station-Deep Nagar, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Primary Education, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Nalanda at Biharsharif.
4. The District Programme Officer (Establishment), Nalanda at Biharsharif

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioners and

learned counsel for the State.

2. This writ application has been filed for quashing the office orders as contained in Memo No. 04/2012-26 dated 25.01.2019 passed by respondent No. 1 and Memo No. 6879 and 6893 dated 31.10.2014 issued by respondent No. 3 by which petitioners have been terminated from the service .

3. 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. 16580 of 2014 and other analogous cases. 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. Learned counsel for the State submits 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 submission 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 sets aside the impugned orders of termination of the petitioners 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. Accordingly, this writ application is allowed to the extent indicated above .

(Prabhat Kumar Singh, J)

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