

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20836 of 2019

Shiv Kumar Dwivedi @ Shivkumar Divedi S/o Late Rabindra Nath Dwivedi
@ Late Ravindra Divedi R/o Village- Udant Rai Ke Bangara, Circle- Manjha,
P.S. Thawe, District- Gopalganj- 841428.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. Principal Secretary, Department of General Administration, Government of Bihar, Old Secretariat, Patna.
3. Joint Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
4. District Compassionate Committee, Gopalganj through the Chairman-cum-District Magistrate, Gopalganj.
5. District Magistrate, Gopalganj.
6. District Education Officer, Gopalganj.
7. District Programme Officer, Establishment, Gopalganj.
8. Director, Department of Education, Government of Bihar, Patna.
9. Regional Deputy Director of Education, Saran Division, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Narayan, Adv. Mr. Abhigyan Kumar, Adv. Ms. Sneha Kumari, Adv.
For the Respondent/s	:	Mr. Subhash Chandra Mishra (Sc16) Mr. Madhukar Mishra, AC to SC16

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 09-05-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. By filing the present writ application, the petitioner
has prayed for the following reliefs:

*“(i) For issuance of appropriate writ/s quashing
Letter No. 547 dated 19.06.2019 [contained in
Annexure 4] issued by Regional Deputy Director of
Education, Saran Division, Saran; whereby and*



whereunder Regional Deputy Director of Education, Saran Division, Saran (respondent no. 9), has directed District Education Officer, Gopalganj to terminate the services of all newly appointed teachers who has been appointed on regular pay scale.

(ii) For issuance of appropriate writ/s quashing Memo No. 296 dated 27.06.2019 [contained in Annexure 6] issued by District Education Officer, Gopalganj & District Programme Officer, Establishment, Gopalganj; by which they have terminated the newly appointees teachers including petitioner and reinstated him to his earlier post of contractual post.

(iii) For issuance of appropriate writ/s for quashing Memo-7/Mu4- 17/2017/336/Patna dated 07.03.2019 [contained in Annexure 5] issued by respondent no.1 bearing signature of respondent no.3.

(iv) For issuance of appropriate writ/s directing respondents to allow petitioner to work in his regular post of Teacher as per his appointment with all benefits of service vide Memo No. 2843 dated 22.12.2018 (Annexure 3) by District Education Officer, Gopalganj.

(v) For issuance of appropriate writ/s imposing considerable cost upon respondents.

(vi) For any other relief or reliefs to which the petitioner may be deemed entitled, may be granted to him.”

3. At the very outset, learned counsel for the petitioner submits that the case of the petitioner is squarely covered with the order dated 03.01.2024 passed in C.W.J.C. No. 8466 of 2019 and the judgment dated 24.12.2021 passed by a co-ordinate Bench of this Court in C.W.J.C. No. 9179 of 2019 in which it is declared that the respondents shall not interfere with the appointment of the petitioners made on the regular vacant posts of Teacher/Assistant Teachers in the regular pay scale. Hence,



the present writ petition can also be disposed of in light of the aforesaid judgment and order.

4. 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.

5. Accordingly, this writ application is allowed in terms of the judgment dated 24.12.2021 passed in CWJC No. 9179 of 2019 and the order dated 03.01.2024 passed in C.W.J.C. No. 8466 of 2019.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2024
Transmission Date	NA

