

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16202 of 2023

1. Md. Nisar Ahmad, Son of Late Ishque, Resident of Mohalla - Kohna Sarai, P.O. - Biharsharif, P.S. - Laheri, District- Nalanda.
2. Shahid Anwar, Son of Md. Kamruddin Resident of Mohalla - Sherpur, P.O. and P.S. - Biharsharif, District- Nalanda.
3. Shafi Ahmad, Son of Late Manzoor Ahmad, Resident of Mohalla - Sherpur Chouhatta (Mobinbagh), P.O. and P.S. - Biharsharif, District- Nalanda.
4. Arbind Kumar, Son of Late Bangleshwari Prasad Singh, Resident of Village - Alipur, P.O. - Korari, P.S. - Bind, District- Nalanda.
5. Asharaf Ali, Son of Md. Dargahi, Resident of Mohalla - Khanquash Makdumbagh, P.O. - Biharsharif, P.S. - Laheri, District- Nalanda.
6. Md. Gholam Rabbani, Son of Md. Anwarul Haque, Resident of Village - Panhesa, P.O. - Nalanda, P.S. - Naloanda, District- Nalanda.
7. Md. Mansoor Alam Son of Md. Kalimuddin Resident of Village - Karianna, P.O. - Ghostawan, P.S. - Silao, District- Nalanda.
8. Md. Arshad Imam, Son of Late Md. Salimuddin, Resident of Village - Haidarganj Korah, P.O. and P.S. - Silao, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Additional Chief Secretary, Education Department, Govt. 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
For the Respondent/s : Mr. Jitendra Kumar Roy 1, SC-13

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 22-04-2024

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. 16580 of 2014 and other analogous cases.

3. 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 it's 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 it's 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 petitioner 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.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2024
Transmission Date	NA

