

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16578 of 2023

Nilam Kumari Wife of Praween Kumar, Resident of Village-Harlochandpur
Sukki, P.S. Patepur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Education Officer, Vaishali at Hajipur.
6. The District Programme Officer (Establishment), Vaishali at Hajipur.
7. The Block Education Officer, Hajipur, District-Vaishali at Hajipur.
8. The Headmaster, Middle School, Astipur, Hajipur, District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Ranjan, Adv. Mr. Vasant Vikas, adv.
For the Respondent/s	:	Mr. Madanjeet Kumar (Gp20) Mr. Narendra Kumar, AC to GP20

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-05-2024

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

2. The petitioner has prayed for following reliefs:

- (i) For issuance of an appropriate writ in the nature of certiorari for quashing the order passed by the Additional Chief Secretary, Education Department, Bihar, Patna vide Memo no. 297 dated 25.02.2019 whereby the appointment of petitioner has been cancelled on the basis of Teacher Training qualification issued by the Lord Budha Mission, Primary Teacher's Training College, Kartahan, Vaishali.
- (ii) For issuance of an appropriate writ in the nature of certiorari for quashing the order issued vide memo no. 2935 dated 02.05.2015 by the District Education Officer,



Vaishali whereby and whereunder petitioner has been terminated from the service without considering the facts and law as well as the documents supplied on behalf of the petitioner in support of his claim.

(iii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents to allow the petitioner on the post of Assistant Teacher and grant the consequential benefits.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

3. At the very outset, learned counsel for the petitioner submits that the case of the petitioner is squarely covered with the judgment dated 28.08.2023 passed in L.P.A. No.1254 of 2016 and other analogous cases. He further submits that some coordinate Bench of this Court has also passed judgment in the case of others and the petitioner's case stands on similar footing.

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, Memo no. 2935 dated 02.05.2015 (Annexure-4) and Memo no. 297 dated 25.02.2019 (Annexure-8) is hereby quashed and this writ application is disposed of with a direction to the petitioner to file a representation before the District Programme Officer Establishment, Vaishali at Hajipur (respondent no.6) along with the judgment aforesaid and other documents in support of her claim. The District



Programme Officer Establishment, Vaishali at Hajipur (respondent no.6) shall dispose of the representation of the petitioner by a reasoned and speaking order within ten weeks from the date of its receipt.

6. It is made clear that the District Programme Officer Establishment, Vaishali at Hajipur (respondent no.6) shall be personally responsible for non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2024
Transmission Date	NA

