

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16934 of 2023

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Jayawanti Sinha @ Jayavanti Sinha @ Jaymanti Kumari Wife of Late
Manoranjan Choudhary, resident of Village and P.O.-Hussainpur, P.S. Rahui,
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

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, (Gp 18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed for quashing the office order as contained in Memo No. 4423 dated 15.11.2018 issued by Respondent No. 3 by which petitioner has been terminated from the service and to reinstate petitioner on the post of Assistant Teacher in Ramcharan Middle School, Sohsarai, Nalanda along with all consequential benefits.

3. Learned counsel for the petitioners submits that the petitioner's 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. Petitioner 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 filing 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 State submits that if petitioner is appointee from the list of 34,540 candidates which was approved by the Hon'ble Supreme Court, then Hon'ble Division Bench judgment would be applicable in his case 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 order of termination of the petitioner 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 petitioner 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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