

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.908 of 2024

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Amit Kumar Pandey S/o Rajendra Prasad Pandey, a 14/63, Bhardwji Tola,
Prahlad Ghat, Varanasi, Varanasi, Uttar Pradesh-221001.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Chairman, National Institute of Open Schooling, A 24-25, Institutional Area, Sector 62, NOIDA, Gautam Buddha Nagar, Uttar Pradesh-201309.
3. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education Department, Government of Bihar, Patna.
5. The Regional Director, National Institute of Open Schooling (in short NIOS), Patna. Lalit Bhawan, Ground Floor Baily Road (Jawahar Nehru Marg), Pin 800001.
6. The District Education Officer, Durgawati, Kaimur.
7. The District Programs Officer (Establishment), Durgawati, Kaimur.
8. The Block Education Officer, Durgawati.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Rai
For the Respondent/s : Mr.Standing Counsel 7

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 29-03-2024

Heard learned counsel for the parties.

2. The petitioner has filed the present writ application for following reliefs:-

- (i) To direct the respondent authorities that the order vide Memo No.978 dated 13.11.2020 issued by the Director, Primary Education, Education Department, Government of Bihar, be not enforced/not be made application in the case of the instant petitioners as the petitioners has already successfully passed the



(1st Semester and 3rd Semester) D.El.Ed, examination however, he was unable to pass petitioner 2nd and 4th Semester Examination. And thereafter, the respondent authorities have not held the aforesaid examination till date. Thus the respondent be directed that the petitioner be not placed in the disadvantage position by giving effect of the order vide Memo No.978 dated 13.11.2020, against her and further the petitioner be disturbed from discharging the duties vide Memo No.184 dated 18.09.2023 (Annexure-6).

(ii) To direct the respondents no.4, The Director, Primary Education Department, Government of Bihar, Patna to conduct urgently the petitioner 2nd and 4th semester examination of the D.El.Ed as the same has not been conducted since last two years, so that the petitioner may take part and clear the 2nd and 4th semester examination of D.El.Ed.

(iii) To direct the respondent authority to release the salary of the petitioner which has been withhold since September, 2020 as the petitioner has not cleared her D.El.Ed Examination.

(iv) For any other relief/s which the petitioner may be found entitled to be in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner was appointed on a compassionate ground but



petitioner does not have D.El.Ed certificate, therefore, he was terminated by the order of concerned Authority(Annexure-6). He further submits that Full Bench of this Court delivered in L.P.A. No.748 of 2022 and this case is squarely covered by para-39 of the judgment of Full Bench in L.P.A No.748 of 2022.

4. Considering the aforesaid facts, since the case of the petitioners stand on similar footings to that of the petitioners of L.P.A No.748 of 2022, there is no requirement to keep pending the present writ application.

5. Accordingly, petitioner is directed to file a detailed representation along with a copy of the order passed in L.P.A. No.748 of 2022, before the respondent no.6 within a period of three weeks and the respondent no.6 is well advised to consider the case of the petitioner and dispose of the representation of the petitioner after affording an opportunity of personal hearing or through his counsel and pass a reasoned and speaking order in accordance with law and in light of the order passed in L.P.A. no.748 of 2022 dated 20.03.2024, within ten weeks from the date of filing of such representation by the petitioner.

6. It is made clear that respondent no.6 shall be personally held responsible for non-compliance of this order.

7. With the aforesaid directions, Annexure-6 of the writ



application i.e. memo no.184 dated 18.09.2023 is hereby
quashed and this writ application stands disposed of.

8. If the order is passed in favour of the petitioner, then he
shall be entitled to get all the consequential benefits.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2024
Transmission Date	NA

