

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1133 of 2020

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Sudha Kumari Gupta D/o Late Baldeo Prasad Resident of Village/ Mohalla-
Biju Bigha, P.S.- Meskapur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. Director, Secondary Education, Bihar, Patna.
4. Director, Primary Education, Bihar, Patna.
5. Regional Deputy Director of Education, Magadh Division.
6. District Education Officer, Nawada.
7. District Programme Officer, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : Mr. Kameshwar Kumar (GP17)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-04-2024 Heard learned senior counsel for the petitioner and

learned counsel for the respondents.

2. The present writ application has been filed for the

following relief(s):-

“a) For quashing the order dated 23.
11. 2018 passed by District Education
Officer, Nawada, respondent no. 6
dismissing the petitioner from the post of
teacher without issuing any show cause
notice and without affording any opportunity
of hearing.

(b) The respondents be
commanded/directed to pay full salary of the
petitioner since 19. 7. 2018 with 10%
interest per annum thereon from the date of
accrual of the dues till the date of actual



payment.

(c) The respondents be commanded/directed to re- instate and allow the petitioner to discharge her duty as before and she be paid her salary apart from her arrears of salary with 10% interest per annum thereof as prayed for above.

(d) By an ad-interim order the respondents be directed to allow the petitioner to join and discharge her duty and she be paid her salary.

(e) Any other relief or reliefs which the petitioner be found entitled to be granted to her.”

3. Learned senior counsel for the petitioner submits that the petitioner’s case is squarely covered by a recent judgment passed in CWJC No. 11123 of 2016 along with analogous cases dated 14.09.2023. The petitioner was appointed on the post of Assistant Teacher under Memo No. 860 dated 07.02.2021 (Anneuxre-2) to this writ application.

4. Learned senior counsel for the petitioner submits that the petitioner also figured in the list of 34,540 elementary teachers approved by the Hon’ble Mr. Justice S.K. Chattopadhyay (Retd.) Committee and he has been allowed to join his post. Later on, his service has been terminated by the concerned authority on the ground that he did not have valid training certificate.

5. Learned senior counsel further submits that the



Hon'ble Division Bench of this Court in L.P.A. No. 1254 of 2014 (arising out of C.W.J.C. No. 16580 of 2018) and other analogous cases in which challenge to the different judgments of the learned Writ Court at the instance of the State of Bihar came to be considered by the Hon'ble Division Bench.

6. The Hon'ble Division Bench, however, refused to interfere with the judgment of the learned Writ Court and once again took a view that where all the party respondents were appointed as per the direction of the Hon'ble Supreme Court, under the supervision of Justice S.K.Chattopadhyaya, they cannot be terminated on the ground of qualification not having been properly verified unless otherwise permitted by the Hon'ble Supreme Court.

7. Considering the above facts and circumstances and the fact that the case of the present petitioner having been squarely covered by the judgment passed in CWJC No.11123 of 2016 along with analogous cases dated 14.09.2023, it seems necessary to quote paragraph 6 of the said judgment wherein it has been held as follows:-

“6. Learned counsel for the State in all these writ applications are present. They admit at the Bar that these cases would be covered by the judgment of the Hon'ble Division Bench as referred hereinabove. It has



also been pointed out that this Court has passed several orders in similar matters disposing of the writ applications after setting aside the impugned orders termination with direction to the respondents to consider the case of the petitioners in those cases keeping in view the Bihar Litigation Policy, 2011 in the light of the judgment of this Court in L.P.A. No. 1254 of 2016 and other analogous matters and to grant similar benefits to the petitioners as have been given to other terminated teachers of the said list.”

8. Having heard learned senior counsel for the petitioner and the State and this being an admitted position that this case would be covered by the judgment of the Hon'ble Co-ordinate Bench of this Court in CWJC No.11123 of 2016 along with analogous cases dated 14.09.2023, the impugned order dated 23.11.2018 having Memo No.2735 (Annexure-3) is set aside.

9. The present writ petition stands allowed.

(Anjani Kumar Sharan, J)

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