

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4502 of 2021

1. Kailash Kumar Choudhary S/o Bechan Choudhary, R/o Village - Bharty Nagar, Ward No. 28, District - Saharsa.
2. Ajay Kumar @ Ajay Kumar Pandit, S/o Ramnarayan Pandit @ Narayan Pandit, R/o Village - Hariyo Tola, Mairma, Ward No. 14, Mohanpur, P.S. - Simri Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

1. The Union of India through the Human Resources Department, New Delhi.
2. The Secretary, Human Resources Department, New Delhi.
3. The Additional Secretary, Ministry of Human Resources, New Delhi.
4. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
5. The Director, Primary Education, Government of Bihar, Patna.
6. The State Council of Educational Research and Training, Patna.
7. The Regional Deputy Director of Education, Saharsa.
8. The District Education Officer, Saharsa.
9. The District Magistrate, Saharsa.
10. The District Appellate Authority, Saharsa.
11. The Block Education Officer, Simri Bakhtiyarpur.
12. The Panchayat Teacher Appointment Unit, Mohanpur, Simri Bakhtiyarpur through its Panchayat Secretary.
13. Bam Kumar Paswan, Son of Laddu Paswan, R/o Village - Hariyo Mohanpur, P.S. Bakhtiyarpur, District - Saharsa.
14. Deepak Kumar Chaudhary, Son of Shivnath Chaudhary, R/o Village Bariyahi, P.S. - Bangannv, District - Saharsa.
15. Rana Pratap Rai, Son of Shri Indra Dev Rai Mohanpur P.S. Bakhtiyarpur District - Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kishore Kunal, Advocate
For the Respondent/s : AC to AG

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-08-2025 Heard Mr. Kishore Kunal, learned counsel
appearing on behalf of the petitioners and learned AC to AG for



the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“i) To issue an appropriate writ/order/direction in the nature of Certiorari quashing the Letter No. 978 dated 13.11.2020 issued by the Respondent No. 5 ordering the termination of service of the untrained teachers (Petitioners) in view of non-completion of the D.EL.ED (ODL) training course by 31.03.2019, and further ordering the credit of salary to only those candidates who have completed their training before the stipulated date of 31.03.2019;

ii) To issue an appropriate writ/order/direction in the nature of Certiorari quashing the orders dated 01.12.2020 passed by District Appellate Authority, Saharsa in Appeal No. 07/19 and 08/19 whereby the learned Authority has directed the Respondent No. 12 to cancel the appointment of the Petitioners in light of Letter No. 978 dated 13.11.2020 without considering the fact that the Petitioners had never been afforded the opportunity to receive training despite several requests made by them to the Respondent Authorities to conduct training;

iii) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondent Authorities to stay the operation of Letter No. 978 dated 13.11.2020 for the Petitioners in light of CWJC No. 24799/2019, CWJC No. 16214/2019 and CWJC No. 8346/2019 until the disposal of the present case;

iv) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondent Authorities to resume the salary of the Petitioners along with the arrears in salary considering that the Petitioners have not been given a chance till date to complete their training course;

v) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondent Authorities to make provisions to conduct training for the Petitioners and further allow the Petitioners to receive training so that the Petitioners can continue their respective service;

vi) To any other relief or reliefs for which the Petitioner is found entitled to in the facts and circumstances of the case.”

3. The issue involved in the present writ petition is



covered by the order dated 20.03.2024 passed by the Full Bench of this Court in LPA No.748 of 2022. In light of the said order, the order passed by the District Appellate Authority in Appeal no.7 of 2019 and in Appeal No.8 of 2019 dated 01.12.2020 and consequential order passed by the Respondent no.12 i.e. Panchayat Secretary, Mohanpur, Simri Bakhtiyarpur contained in letter no.978 dated 13.11.2020 are hereby **set-aside and quashed.**

4. The petitioners are at liberty to file a detailed representation before the Appropriate Authority in light of order passed by the Full Bench of this Court in LPA No.748 of 2022 and in light of order passed by the Apex Court in case of **Devesh Sharma v. Union of India; 2023 SCC OnLine SC 985.**

5. Accordingly, the present writ petition stands disposed of with the aforesaid liberty.

(Purnendu Singh, J)

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