

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3175 of 2023

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Ram Bilash Mahto Son of Late Ram Swaroop Mahto Resident of Village-
Purana Isua, P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director (Primary Education), Bihar, Patna.
3. The District Education Officer, Sheikhpura.
4. The District Programme Officer (Establishment), Sheikhpura.
5. The Block Education Officer, Ghat Kusumbha, Sheikhpura.
6. The Executive Officer, Block Niyojan Samiti, Ghat Kusumbha, Sheikhpura.
7. The Headmaster, Middle School, Sahra Bataura, Ghat Kusumbha, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Tewari, Advocate Mr. Lal Mani Sharma, Advocate
For the Respondent/s	:	Mrs. Binita Singh (Sc 28) Mr. Vivek Anand Amritesh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

8 09-07-2025

Heard learned counsel for the parties.

2. The petitioner is aggrieved by the action of the respondents in not allowing the petitioner to join as Block Teacher in Ghat Kusumbha School, Shiekhpora and accordingly this writ petition has been filed seeking a direction to the respondent authorities to allow the petitioner to join with effect from 01.04.2019.

3. The petitioner's services as Block Teacher was

terminated by an order dated 31.08.2016 issued by the Employment Unit Committee, Ghat Kusumbha, Shiekhpora. The petitioner's termination order dated 31.08.2016 was set aside by the District Appellate Authority, Shiekhpora by an order dated 04.07.2017 passed in Appeal No. 05 of 2016.

4. The aforesaid order of the District Appellate Authority was put to challenge by the Block Development Officer and others before the State Appellate Authority by filing an Appeal No. 137 of 2018 which was disposed of by the State Appellate Authority by an order dated 14.03.2019 whereby the termination order dated 31.08.2016 was directed to be treated as a show-cause notice to the petitioner and taking it as a show-cause notice the petitioner was directed to file reply to the show-cause within three weeks before the Block Development Officer-cum-Executive Officer, Ghat Kusumbha, Shiekhpora and the Block Development Officer was directed to consider and pass a fresh decision in the matter.

5. There after the petitioner has filed an application dated 01.04.2019 (annexure-3 to the writ petition) to the Block Development Officer, Shiekhpora whereby a prayer was made to allow the petitioner to join as Block Teacher.

6. According to the petitioner, as the said application filed by the petitioner seeking rejoining as Block Teacher was not considered by the Block Development Officer, Shiekhpora, the petitioner has filed this writ petition, whereas the respondents in the counter affidavit filed has brought on record an order dated 12.01.2021 issued by the Secretary, Executive Officer, Block Employment Committee, Ghat Kusumbha, Shiekhpora whereby the petitioner's application for rejoining as Block Teacher has been rejected.

7. The petitioner, by filing an I.A. No. 01 of 2024 has put to challenge the order dated 12.01.2021 whereby his application for rejoining as Block Teacher has also been rejected.

8. However, the fact remains that after the order of the State Appellate Authority dated 14.03.2019 passed in Appeal No. 137 of 2018 directing the petitioner to file a reply before the Block Development Officer, Shiekhpora by treating the termination order dated 31.08.2016 as a show-cause notice, the petitioner has yet to file a reply treating the termination order dated 31.08.2016 as the show-cause notice, as directed by the State Appellate Authority in Appeal No. 137 of 2018.

9. Having heard the learned counsel for the parties and on consideration of the matter in its entirety, I am of the view that this writ petition can be disposed of by directing the petitioner to file a reply before the Block Development Officer, Ghat Kusumbha, Shiekhpora by treating the termination order dated 31.08.2016 as a show-cause notice issued to him, as directed by the State Appellate Authority in Appeal No. 137 of 2018 and thereafter directing the respondent authorities to consider and dispose of the same within a specific period of time.

10. Accordingly, this writ petition is hereby disposed off with a direction to the petitioner to file a reply to the show-cause before the Block Development Officer-cum-Executive Officer, Ghat Kusumbha, Shiekhpora as directed by the State Appellate Authority in Appeal No. 137 of 2018 within a period of two weeks.

11. If such representation is filed by the petitioner within the time stipulated hereinabove, the Block Development Officer, Ghat Kusumbha, Shiekhpora as well as the Executive Officer, Block Niyojan Samiti, Ghat Kusumbha, Shiekhpora/ respondent No. 8 and 6 respectively, shall consider the reply to

the show-cause filed and conclude the proceeding within a period of three months thereafter, in accordance with law.

12. The termination order dated 31.08.2016 of the petitioner which was set aside by the District Appellate Authority by an order dated 04.07.2017 in Appeal No. 05 of 2016 has not been interfered with by the State Appellate Authority in the order dated 14.03.2019 passed in Appeal No. 137 of 2018.

13. In the event of the proceeding against the petitioner is not concluded within three months subject to the petitioner filing reply to the show-cause, as directed hereinabove, the respondents shall allow the petitioner to join as Block Teacher as his order of termination dated 31.08.2016 stands set aside as on today.

14. Since the State Appellate Authority in Appeal No. 137 of 2018 vide order dated 14.03.2019 had directed the petitioner to file reply by treating the termination order dated 31.08.2016 as show-cause notice issued to him before the Block Development Officer-cum-Executive Officer, Ghat Kusumbha, Shiekhpora and the petitioner has not made Block Development Officer, Shiekhpora as a respondent in the writ

petition, whereas the Executive Officer, Ghat Kusumbha, Shiekhpora has been added as respondent No. 6, the Block Development Officer, Ghat Kusumbha, Shiekhpora shall be added as respondent No. 8 in the present writ petition.

15. The writ petition stands disposed off.

(Nani Tagia, J)

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