

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11122 of 2021

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Smt. Archana Kumari W/o Pradeep Kumar, R/o Village Alawalpur, P.O. Dharhara, P.S. Sarai, Distt. - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director Primary Education, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The District Education Officer, Vaishali.
5. The District Programme Officer, (Establishment), Vaishali.
6. The Block Development Officer, Bhagwanpur, Vaishali.
7. The Block Education Officer, Bhagwanpur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mrs. Binita Singh, SC 28

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 16-06-2025

Heard Mr. Shashi Bhushan Kumar, learned counsel
appearing on behalf of the petitioner and Mrs. Binita Singh,
learned SC 28 for the State.

Re.: I.A. No. 01 of 2024

2. Learned counsel appearing on behalf of the petitioner by filing the present interlocutory application seeks amendment in Para-1 of the writ petition by adding additional relief as stated in Para-1 of the present interlocutory application.

3. Having considered the information contained in the interlocutory application and the grounds mentioned therein and



the affidavit, I find that there are sufficient reason to allow the amendment of the prayer as prayed in Para-1 of the writ petition by adding additional relief as stated in Para-1 of the interlocutory application.

4. I.A. No. 01 of 2024 is allowed.

Re: CWJC No. 11122 of 2021.

5. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“That this is an application on behalf of the above said petitioners for issuance of appropriate writ(s), order(s), direction(s) of appropriate writ(s), order(s), direction(s) to direct the respondent authority to pay the arrear of salary to the petitioner since April 2011 to March 2017 and November 2019 to till date.

And / or any other appropriate relief(s) to the petitioners for which she may be found entitle under the facts and circumstances of the case.”

Thereafter the petitioner filed I.A. No.01 of 2024 for modification of the prayer made in the writ application, *inter alia*, seeking following relief(s):

“i. To quash the memo no.669 dated 15.11.2022 issued by the Executive Officer cum Block Panchayati Raj Officer, Panchayat Samiti, Bhagwanpur (Vaishali) whereby and whereunder the petitioner has been terminated from service with immediate effect on the ground she is working on the basis of Madhyama Visharad certificate issued from the Hindi Sahitya Sammelo Allahabad. A copy of Memo dated 15.11.2022 is annexed herewith and marked as Annexure-P/10 to this application.

ii. To further direct to the respondent authority to reinstate the petitioner in service with all consequential benefits.

And/or any other appropriate relief(s)



to the petitioner for which she may be found entitled under the fact and circumstances of the case.”

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was appointed on the post of Panchayat/Block Teacher in Primary School, Akabarpur, Malahi on 02.02.2007 and thereafter he joined on 06.02.2007. He further submitted that petitioner has continuously discharged her duty to the satisfaction of the authority concerned but her salary has not been paid since April 2011 to March 2017 and from November 2019 till date. He further submitted that petitioner filed appeal before the District Appellate Authority, Vaisahli and after hearing the parties, the District Appellate Authority, Vaisahli *vide* order dated 29.04.2019 directed the respondent authorities for payment of her dues salary as well as current salary. In compliance of the order dated 29.04.2019, the respondent authorities partly paid her salary since April 2017 to October 2018 and rest dues salary has not been paid.

7. Learned counsel further submitted that during pendency of the present writ petition, the petitioner was terminated from service *vide* order dated 15.11.2022 on the ground that she is working on the basis of Madhyama Visarad certificate issued from Hindi Sahitya Sammelon, Allahabad. He further submitted that decision was taken to declare such degree



obtained from Hindi Sahitya Sammelon, Allahabad invalid with effect from 25.08.2008, whereas the petitioner was appointed in the year 2007. Learned counsel has placed reliance upon a judgment of this Court passed in ***LPA No.50 of 2015 (Rohit Das and Anr. Vs. the State of Bihar & Ors.)***.

8. It is informed on behalf of the State that the main issue involved in the present writ petition is the validity of the Madhmya Visharad degree obtained by the petitioner from Hindi Sahitaya Sammelan, Allahabad. The State has preferred LPA No.94 of 2022. The present writ petition is required to be adjudicated after final disposal of LPA No.94 of 2022.

9. Learned counsel appearing on behalf of the State has given such information but the action taken by the District Education Officer, Vaishali in a mechanical manner is depreciated. The petitioner has been penalised by first depriving her salary for the period January, 2011 to March 2017 and November 2019 till date in spite of the order passed by the District Appellate Authority dated 29.04.2019 (Annexure 5) and thereafter during the pendency of the present writ petition, the Executive Officer-cum-Block Panchayati Raj Officer, Panchayat Samiti, Bhagawanpur, Vaishali vide order contained in Memo No.669 dated 15.11.2022 has terminated the petitioner from



service with immediate effect on the ground that she is working on the basis of Madhyama Virasat certificate issued by the Hindi Sahitaya Sammelan, Allahabad. This Court finds that the action of the District Education Officer, as well as, the Executive Officer-cum-Block Panchayati Raj Officer, Panchayat Samati Bhagwanpur, Vaishali is contemptuous as they have deliberately disobeyed the order passed by the District Appellate Authority in spite of the alternative available to them to challenge the order dated 29.04.2019 as per the provision of Section 14 of Bihar State School Teachers and Employees Disputes Redressal Rules, 2015. Their action is required to be examined by the Additional Chief Secretary, Education Department, Government of Bihar firstly on the ground for having committed contempt for deliberately and willfully disobeying the order passed by the District Appellate Authority, secondly for not having availed the remedy as provided under Section 14 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 and thirdly the decision was taken to declare such degree obtained from Hindi Sahitya Sammelon, Allahabad invalid with effect from 25.08.2008, whereas the petitioner was appointed in the year 2007.

10. I also find that there has been gross violation of



principle of natural justice. It is admitted that before termination order dated 15.11.2022 has been passed, no opportunity has been given to the petitioner. On this ground also, the order contained in Memo No.669 dated 15.11.2022 is fit to be set aside and quashed. The petitioner may make representation before the Additional Chief Secretary, Education Department for the relief as prayed for in the present writ petition.

11. The writ petition is allowed.

12. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.06.2025
Transmission Date	NA

