

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7183 of 2022

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Anil Kumar Son of Late Bindeshwar Upadhyay, resident of Village and P.O.-
Nepura, Police Station- Deep Nagar, District- Nalanda, Retired Teacher
Middle School Dasiyaon, Kesath, Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of
Bihar, Patna.
3. The District Education Officer, Buxar.
4. The District Programme Officer (Establishment), Buxar.
5. The Block Development Officer, Kesath, Buxar.
6. The Block Education Officer, Kesath, Buxar.
7. The District Provident Fund Officer, Buxar.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Sagar Singh, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy 1, SC-13
For the AG, Bihar	:	Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 09-07-2025

Heard the parties.

2. The petitioner has approached this Court seeking a
direction upon the respondents to ensure payment of arrears of
salary for the period from 01.11.2018 till the date of retirement
i.e. 29.02.2020 as also retiral dues along with other
consequential benefits.

3. During the pendency of the writ petition, the
services of the petitioner came to be terminated vide Office



Order as contained in Memo No. 549 dated 12.11.2018 issued by the respondent no.4, which was also put to challenge by filing Interlocutory Application No.1 of 2023.

4. Learned Advocate for the petitioner taking this Court through the order passed by the learned Division Bench of this Court in **L.P.A. No.1254 of 2016 and other analogous cases [The State of Bihar v. Sanjay Kumar Chaudhary & Ors.]** followed by a decision rendered by the Apex Court in the case of **Yashwant Singh & Ors. v. State of Bihar & Ors. [In SLP (Civil) No.26824 of 2012]** and other analogous cases as also the decision rendered by a co-ordinate Bench of this Court in **Noorus Sabah v. The State of Bihar and other analogous cases [C.W.J.C. No.24355 of 2018]**, has contended that the issue is no more *res integra* and, as such, in view of the pronouncement of the Hon'ble Apex Court as also by a Bench of this Court, the action of the respondent authorities, including the impugned order of termination is bad in the eyes of law.

5. Mr. Jitendra Kumar Roy 1, learned Advocate for the State has fairly submitted that *prima facie* from the materials available on record, it appears that the case of the petitioner is covered with the decision rendered by a co-ordinate Bench of this Court in **Noorus Sabah** (supra); however, the respondent



authorities are required to revisit the matter and take a fresh decision.

6. In view of the submissions set forth by the learned Advocate for the parties and after going through the decisions, afore-noted, this Court deems it fit and proper to direct the respondent no.3, the District Education Officer, Buxar to revisit the matter and take a fresh decision in the light of the afore-noted decision.

7. Suffice it to observe that the impugned order of termination shall not come in the way while reconsidering the matter of the petitioner.

8. In case, the claim of the petitioner finds favour, necessary consequential order and benefit must be paid to him, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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