

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7047 of 2023

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Sulochana Kumari D/o Pyare Sah and W/o Arbind Kumar, R/o Village-Pasia,
P.S.-Atri, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Bihar, Patna.
2. The Treasury Officer, Patna.
3. The Principal Secretary, Education Department, Bihar, Patna.
4. Director, Human Resources Development Department, Bihar, Patna.
5. The District Education Officer, Patna.
6. Director Primary Education, Bihar, Patna.
7. The District Program Officer (Establishment), Patna.
8. Block Education Officer, Khushrupur, Patna.
9. Block Development Officer, Khushrupur, District-Patna.
10. The Panchayat Secretary-cum-Panchayat Teacher Appointment Unit-Alawalpur, Khushrupur, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv.
	:	Mr. Gautam Kumar Yadav, Adv.
For the Respondent/s	:	Mr. Kameshwar Kumar (Gp17)
	:	MR. S.K. Ranjan, AC to GP17

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-02-2025 Heard learned Senior Counsel for the petitioner and

learned counsel for the State.

2. The present writ petitioner has been filed for
seeking following reliefs:

“(i) For issuance of writ of Certiorari for quashing of the Letter no. 1646 dated 10.02.2023 issued by the District Programme Officer (Establishment), Patna, in reference of letter no. 1217 dated 21.10.2022 issued by the Respondent no. 5



Stating therein that the Certificate issued by the Hindi Sahitya Sammelan Prayag of Madhyama Bisaradh is not valid for the appointment of Teacher and hence directed the Respondent no. 9 to remove the Petitioner from post of Panchayat Teacher working in Primary School, Dalnichak, Khusurupur, Patna.

(ii) For quashing of order Contained in Memo no. 05 dated 03.03.2023 passed and issued by the Respondent no. 9 whereby and Whereunder the petitioner has been removed from the post of Panchyat Teacher Primary School Dalnichak, Khushrupur, Patna.

(iii) For issuance of writ of mandamus Commanding the respondents authority to treat the Degree issued by the Hindi Sahitya Sammelan Prayag as legal, Valid, proper and acted upon much before 16 years.

(iv) To re-instant the petitioner with all Service benefit.

(v) And/or for any other appropriate relief / reliefs to the petitioner for which she is entitled to in the eye of law.”

3. The brief fact of the present case is that the petitioner was appointed as untrained Panchayat Teacher in 2006 and since then she was discharging her duty. Thereafter sixteen years, all of sudden in view of letter no. 1217 dated 21.10.2022 of the Director, Primary Education Bihar, Patna, the District Education Officer, Patna, vide memo no. 8465 dated 03.12.2022 issued a letter to all the Block Education Officers and School Sub Inspector of the District of Patna and directed to supply information that how many Panchayat Teachers are presently working in school in the District, on the basis of the



Degree and Certificate of Madhyama Bisharad obtained by Hindi Sahitya Sammelan, Prayag. Thereafter, letter no. 546 dated 26.12.2022 was issued by the Block Education Officer, Khushrupur. Subsequently, vide letter no.1646 dated 10.02.2023 issued by District Programme Officer (Establishment), Patna, instructions were given to dismiss the petitioner from her service as Panchayat Teacher. In view of the aforesaid letter dated 10.02.2023, a meeting of Panchayat Teacher Appointment Unit, Alawalpur, Patna, was held on 03.03.2023, whereby vide Memo No.05 dated 03.03.2023 passed and issued by Respondent No.9, the petitioner has been removed from her service of the Panchayat Teacher with immediate effect.

4. Learned counsel for the petitioner submits that without following the due procedure mentioned in Clause-15(ठ) of Bihar Panchayat Primary Teacher (Employment and Service Condition) Regulation, 2012, aforesaid order dated 10.02.2023 (Annexure-1) and 03.03.2023 (Annexure-2) was passed without issuing any show cause to the petitioner. Learned counsel for the petitioner further submits that in several similar cases, different co-ordinate Bench of this Court vide order dated 09.09.2019 passed in C.W.J.C. No.4601 of 2018 (Ranjan Kumar Gupta vs. The State of Bihar and Ors. and another analogous cases) as



well as vide order dated 04.03.2021, passed in C.W.J.C. No.8920 of 2020 (Mosahib Ali @ Masahib Ali vs. State of Bihar and Ors), have considered the issue involved in the present case and have set aside the order of termination.

5. Considering the above-mentioned facts, the letter No.1646 dated 10.02.2023 (Annexure-1) and Memo No.05 dated 03.03.2023 (Annexure-2) is hereby quashed and the authority concerned is directed to reinstate the service of the petitioner and she shall be entitled to all the consequential benefits.

6. The Respondent-Authorities are also at liberty to take any appropriate step in accordance with law.

(Anjani Kumar Sharan, J)

anand/-

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