

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13497 of 2019

1. Jeetendra Singh Maurya S/o Janardan Singh Maurya Resident of Village Amadhi,PO Saitha,PS Sonhan,Dist.Kaimur
2. Ram Awadh Singh S/o Nath Singh Resident of Village Garke,PO Kolahua,PS Adhura,Dist.Kaimur
3. Ram Ranjan Singh S/o Nanni Singh Resident of Village and PO Ratvaar,Ps Bhabhua,Dist.Kaimur
4. Nirmal Pratap S/o Shiv Dhar Prasad Resident of Vill Konhara,PO Kilani,PS Chand,Dist.Kaimur
5. Kuvar Sinrgh S/o Gowardhan Singh Resident of Village and PO Mokari,PS Bhabhua,Dist.Kaimur
6. Anjula Kumari D/o Krishn Mohan Prasad Gupta, Resident of Vill.-Patel Chauk,Ward No.1,PS Bhabhua,Dist.Kaimur
7. Sunil Kumar S/o Shiv Prasad Singh Resident of Vill Ramavatpur,PO Jaitpurkala,PS Bhagwanpur,Dist.Kaimur
8. Sanju Kumari D/o Jhuri Singh Resident of Vill.-Bari Bazar Mohania,PO Mohania,PS Mohania,Dist.Kaimur
9. Pinki Kumari W/o Deepu Kumar Resident of Vill.-Bhabhua,Ward No.18,PS Bhabhua,Dist.Kaimur
10. Basanti Devi W/o Dhan Nath Singh Resident of Vill.-Masahi,PS Bhagwanpur,Dist.Kaimur
11. Raushani Kumar W/o Nandlal Singh Resident of Vill.-Darwa,PO Mohania,PS Mohania,Dist.Kaimur
12. Anil Kumar S/o Shiv Prasad Singh Resident of Vill.-Ramavatpur,PO Jaitpurkala,PS Bhagwanpur,Dist.Kaimur
13. Sarda Kumari W/o Rajnath Singh Resident of Vill.-Bhabhua,Ward No.1 PS Bhabhua,Dist.Kaimur
14. Sita Ram Pathak Radheshyam Pahtak Resident of Vill Chaurvada,PO Mohan Darvaan,PS Kudra,Dist.Kaimur
15. Husn Ara S/o Mohammed Aftab Khan Resident of Vill.-Bhabhua,Ward No.9,PS Bhabhua,Dist.Kaimur
16. Shekhar Yadav S/o Nagina yadav Resident of Vill.-Nishija,PO Sabaar,PS Karamchat,Dist Kaimur
17. Fajlu Rahman Khan S/o Mohammed Hoda Khan Resident of Vill.-Pateri,PO Jamalpur,PS Chand,Dist.Kaimur
18. Rakesh Kumar Verma S/o Shankar Bhagwan Singh Resident of Vill.-Pandey Deharia,PO Sukul Pipra,PS Mohania,Dist.Kaimur.
19. Arvind Kumar Singh S/o Bhuneshwar Singh Resident of Vill.-Bijara,PS Karamchat,Dist.Kaimur
20. Nirmal Prasad S/o Chaturi Prasad Resident of Vill.-Yadupur,PO Saitha,PS Bhabhua,Dist.Kaimur



21. Rajkeshwar Singh S/o Ram Swarup Singh Resident of Vill. and PO and PS Belaon,Dist.Kaimur
22. Ramendra Kumar Singh S/o Niwas Singh Resident of Vill Radhakhand,PO Bhagwanpur,PS Bhagwanpur,Dist.Kaimur
23. Ramashray Singh S/o Ran Vijay Singh Resident of Vill. Barwar Badh,PO Jaitpur,PS Bhagwanpur,Dist.Kaimur
24. Rakesh Kumar Pandey S/o Bhawani Dayal Pandey Resident of Vill.-Gangwalia,PO Basahi,Ps Kudara,Dist.Kaimur
25. Kanhaiya Prasad S/o Lakshman Prasad Resident of Vill.-Mithapur,PO Darauli,PS Bhabhua,Dist.Kaimur
26. Anita Srviastav D/o Ravi Kumar Srivastav Resident of Vill.-Padhauti,PO Paharia,PS Bhagwanpur, Dist.Kaimur
27. Sunil Kumar Singh Chauhan S/o Lalita Singh Chauhan Resident of Vill.Dharchauli,PO Bhagwanpur,PS Bhagwanpur,Dist.Kaimur
28. Aneeta Kumari D/o Shiv Narayn Singh Resident of Vill.Dharchauli,PO Bhagwanpur,PS Bhagwanpur,Dist.Kaimur
29. Punam Kumari S/o Mithilesh Mauaar Resident of Vill.Taraf Dhanraj Patti,PO.- ,PS- ,j Dist.-Lakhisarai
30. Firoz Kumar Suman S/o Badri Ram Resident of Vill.-Pihara,PO Kaser,PS Bhagwanpur,Dist.Kaimur
31. Sita Kumari S/o Lal Bahadur Singh Resident of Vill.- Bhabhua,Ward No.9,PS Bhabhua,Dist.Kaimur
32. Khusboo Kumari D/o Birendra Kumar Singh Resident of Vill and PO Bhagwanpur,PS Bhagwanpur,Dist.Kaimur
33. Anjana Kumari D/o Triveni Singh Resident of Vill. and PO Bairopur,PS Bhagwanpur,Dist.Kaimur
34. Aarti Kumari D/o Ramashish Singh Resident of Vill.Rohua,PO Durgawati,PS Durgawati,Dist.Kaimur
35. Punam Kumari D/o Kamta Prasad Singh Resident of Vill.-Kaser,PO Bhagwanpur,PS Bhagwanpur,Dist.Kaimur
36. Dharamjit Singh S/o Ambika Singh Resident of Vill.- Padhauti,PO Bhagwanpur,PS Bhagwanpur,Dist.Kaimur
37. Shivdani Paswan S/o Baijnath Ram Resident of Vill.-Amarpur,PO Bhagwanpur,PS Bhagwanur,Dist.Kaimur
38. Udaybhan Rao S/o Mahesh Prasad Resident of Village Bhabhua,PO Bhagwanpur,PS Bhagwanpur,Dist.Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Education Department Govt. of Bihar,Patna
2. The Principal Secretary, Education Department Govt. of Bihar,Patna
3. The Director, Primary Education,Bihar,Patna



4. The District Magistrate, Kaimur
5. The District Education Officer, Kaimur
6. The District Programme Officer(Extd.), Kaimur
7. The Block Development Officer, Kaimur
8. The Block Education Officer, Bhagwanpur,Kaimur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Adv.
For the Respondent/s : Mr. Parijat Saurav, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

14 24-11-2025 Heard Mr. Mukesh Kumar Thakur, learned counsel
for the petitioners and Mr. Parijat Saurav, AC to AAG-13.

2. The writ petition has been filed for the following
relief(s):-

“(1) For quashing the orders contained in memo no. 909, 915, 936, 933, 904, 900, 899, 924, 919, 918, 917, 911, 913, 912, 914, 929, 931, 927, 928, 926, 925, 898, 901, 902, 921, 922, 923, 906, 910, 905, 916, 980, 907, 908, 920, 935, 934 & 932 all dated 20/06/2019 issued under the signature of the Block Development Officer, Bhagwanpur (Kaimur) on the order of the District Magistrate, Kaimur whereby and where under the petitioners appointment as Block Assistant Teacher under Bhagwanpur Block in the district of Kaimur has been cancelled in gross violation of the principle of natural justice and de-horse the statutory rules.



(11) For quashing the order contained in memo no. 718 dated 12/02/2019 issued by the District Magistrate, Kaimur directing the Appointing Authority to cancel the appointment of the petitioners, make recovery from them and lodge an F.I.R against the petitioners.

III) For direction upon the respondents to reinstate the petitioners on the post of Block Assistant Teacher under Bhagwanpur Block in the district of Kaimur with all consequential monetary benefit.

IV) For declaration by the Hon'ble Court that the orders of termination of the petitioners on the order of District Magistrate, Kaimur is wholly without jurisdiction and void-ab-initio and to hold that the petitioners would be deemed to be continuing in service without break and they shall be entitled to all remuneration as if they have never been terminated from the services.

3. Learned counsel for the petitioners submits that despite these petitioners having been selected by the appointment unit and consent having been obtained, the appointments were not made and finally, the appointment of these petitioners on the post of Block Teachers were made



pursuant to the intervention made by the District Teachers Appointment Appellate Authority, Kaimur dated 16.06.2011 (Annexure-4) and Authorized Officer-cum-Block Development Officer, Bhagwanpur, Kaimur issued Niyojan Letters dated 22.02.2012 to these petitioners and one of such appointment letter is appended with the writ petition as Annexure-5.

4. It has next been submitted that these petitioners pursuant to the appointment letters having been issued by the Block Development Officer, Bhagwanpur, Kaimur submitted their respective joining separately and their joining were accepted on 27.02.2012 and they continued to work for some time and thereafter, again they were stopped from functioning, which coerced these petitioners to move again to the District Appellate Authority and *vide* order dated 15.01.2016 passed in Appeal No. 65/2017, 66/2017, 67/2017 and 68/2017 annexed as Annexure-7, the District Appellate Authority passed an order allowing all the appeals by issuing direction to the authorities concerned to submit a report and the authorities being Block Development Officer-cum- Secretary, Block Teachers Niyojan Committee instead submitting a report, they allowed the petitioners to discharge their duties by directing the Headmasters to accept their joining and permit them work. The



petitioners, pursuant to the orders passed by the Block Development Officer-cum- Secretary, submitted their joining in their respective schools on different dates which is an undisputed fact.

5. Counsel for the petitioners submitted that the District Magistrate, Kaimur intervened in this matter by constituting two officers enquiry committee to inquire into the appointments of these petitioners made on the basis of order of Block Development Officer-cum- Secretary, Block Teachers Niyojan Committee and the Committee constituted of the District Supply Officer and the District Manager, State Food Corporation, entrusted to submit a report, accordingly, submitted report giving a clear findings that the recommendation of the appointment unit made with respect to these petitioners does no suffer from any legal infirmity and their appointment to the post is in accordance with law and has further indicated that since this matter has already been adjudicated by the District Appellate Authority in the year 2018 itself and from the materials available on record it is evident that no violation has been attributed and as such the appointment of these petitioners cannot be said to be invalid.

6. Learned counsel for the petitioners has taken this



Court to Annexure-1 Series which is the impugned order passed with regard to these petitioners and perusal of the same, it is quite apparent that the termination orders have been passed on the instruction of District Magistrate, Kaimur in compliance of his order dated 20.06.2019 which has universally been made applicable in all the impugned order of termination passed in respect of these petitioners with common recitals but with different Memo numbers and accordingly the termination of these petitioners have been made effective against which the instant writ petition has been filed.

7. Learned counsel for the petitioners next submits that the enquiry which was conducted by two members committee constituted by the District Magistrate, Kaimur, Bhabhua, who did not find any infirmity in the process of appointment, still, the appointment of these petitioners has been directed to be cancelled without any prudent reason and these petitioners were not even heard before issuing such directions and as also before passing the impugned orders.

8. It is further submitted that the order passed by the District Appellate Authority was also challenged by the office bearer of the Prakhanda Shiksha Unit before the State Appellate Authority and the appeal so preferred by the



employment/appointment unit was dismissed by the State Appellate Authority *vide* its order dated 15.11.2019 passed in Appeal/297/2019, the relevant portion of which is quoted hereinbelow :-

“.....Conversely, the counsel for the private respondents, while supporting the impugned order, submits that the order under challenge was passed on 20.04.2018 whereas the present appeal has been preferred on 11.07.2019. Prima facie, it appears that the respondent acquiesced in the order. He would next submit that appointment of the respondents were made pursuant to the different orders passed by the learned District Authority in case no. 70/2011, 39/2011 and 58/2011 (Annexure-B series of the counter affidavit). Those orders have not been challenged by the appellants. A statement in the counter affidavit has been made to this effect. There is no denial. It is also pointed out that after the issuance of the impugned order the services of the private respondents have been terminated. Aggrieved thereby, the private respondents have filed C.W.J.C No. 13497 of 2019 wherein notices have been issued on 08.07.2019, copy of the said order is enclosed as Annexure-C/L. It is submitted



that these facts have been suppressed purposely by the appellants.

On a consideration of the submissions and after perusal of the materials on record it is found that the respondents claim to have been appointed in the light of the order passed by the learned District Authority in different appeals filed by them (Annexure-B series) which have not been challenged by the appellant. That apart the appeal has been filed quite belatedly indicative of the fact that the official respondents acquiesced in the order. However, there is an explanation offered in the limitation petition filed by the appellant for such enormous delay.

If the order passed in favour of the respondents by the learned District Authority have not been challenged, in the considered view of the Court, the appellant cannot challenge the order impugned.

Seen thus, even if the delay in filing the appeal is condoned, the appellants have no case on merit.

The appeal is dismissed. The limitation petition stands disposed of.”

9. At this stage, learned counsel for the petitioners submits that there are two orders which have been passed with



regard to these petitioners, one on 16.06.2021 passed in Appeal No. 87 of 2011, which was filed for issuance of appointment letter and pursuant to the order passed by the District Employment Unit, the appointment letters were issued by the authorities of the Employment Unit and till date, the same has not been challenged by the Employment Unit and, therefore, the said order passed by the District Appellate Authority, Kaimur at Bhabhu has attained finality.

10. However, the second one was with respect to the subsequent action of the District authorities, which became the subject matter of appeal before the District Appellate Authority, Kaimur being Appeal No. 65, 66, 67 & 68/2017, and the same were also allowed, against which the Prakhand Shikshak Niyojan Unit had approached the State Appellate Authority through its President, Secretary and its Members challenging the order passed by the District Appellate Authority, Kaimur by filing Appeal No. 297 of 2019 and 307 of 2019, in which all four appeals being Appeal Nos. 65/2017 to 68/2017 decided by the District Appellate Authority *vide* common order dated 20.04.2018 became the subject of challenge before the State Appellate Authority, which were dismissed by the State Appellate Authority holding that the appointment of these



petitioners which were made pursuant to different orders passed by the District Appellate Authority in Case No. 70/2011, 39/2011 and 58/2011 have till date not been challenged and the said orders have attained finality. Keeping these facts in the background, the appeal preferred by the Prakhand Shikshak Niyojan Unit through its President, Secretary and Members before the State Appellate Authority stood dismissed and the said order has also attained finality. Thereafter, the order passed by the District Magistrate, Kaimur, Bhabhua is something which exceeds his jurisdiction and the District Magistrate, Kaimur should not have exercised his powers in such matters, where there is already a forum prescribed for adjudication of the dispute of present nature and orders which have been passed by the statutory authorities which having attained finality, the District Magistrate should not have interfered in such issues keeping in mind the Rule 18 of Bihar Panchayat Teacher (Appointment, and Service Condition) Rules 2006, rather should have preferred to stay his hands off from such issues, much less, when the Committee constituted by him also did not find any infirmity in the process of selection and their appointments, by allowing the orders passed by the Appellate Authorities, which have attained finality, to be complied by the



respective authorities of Block in terms of the Departmental order issued by the Additional Chief Secretary, Department of Education, which categorically directs the concerned authorities of the Education Department to comply all such orders/directions passed by the authorities under the statute whether it be District Appellate Authority or State Appellate Authority, which having not been challenged by any of the parties and same having attained finality and the reference of the same may be had from the order as contained in Memo No.11/MU 9-45/2019 580/. From perusal of the said letter, it appears that the direction issued by the State Appellate Authority has to be respected in full letters and spirit lest disciplinary action shall be taken against the person concerned.

11. At this stage, learned counsel for the petitioner submits by taking this Court to judgment and order passed by the Co-ordinate Bench in CWJC No. 17811 of 2008 wherein it has been directed that in view of the statutory rules, there is a statutory authority created under the Act and since the Tribunal who have been authorized to adjudicate the dispute with regard to service condition, the powers of Collector are excluded in the said Rules, then the District Magistrate, Kaimur, Bhabhua should not have exercised its power by directing the concerned



Block Development Officer, Bhagwanpur, Kaimur to have passed any order especially with regard to termination, which is wholly without jurisdiction.

12. Taking into account the factual position on record and the orders passed by the District Appellate Authority as well as State Appellate Authority having attained finality, this Court is left with no option but to set aside order passed by the Block Development Officer, Bhagwanpur, Kaimur, Bhabhua dated 20.06.2019 (Annexure-1 Series) as well as the order dated 12/02/2019 passed by the District Magistrate, Kaimur, Bhabhua and any recovery made on the strength of such impugned orders shall forthwith be refunded to these petitioners and the petitioners are required to be reinstated back in the service forthwith and all such consequential benefits which are applicable to this post, on reinstatement of the petitioners, shall be extended to them as early as possible preferably within eight weeks from the date of production/receipt of a copy of this order.

13. The instant writ petition stands allowed.

(Ajit Kumar, J)

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