

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14158 of 2025

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Dinesh Kumar Singh S/o- Ganesh Singh Resident of Village, Post-
Mukundpur Bhath, P.S.- Jandaha, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The District Program Officer (Establishment), Jehanabad.
5. The District Education Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, Government Pleader (02)
		Mr. Asit Kumar Jha, AC to GP-02

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned Counsel for the petitioner contends that the
petitioner was terminated from service contrary to the decision
of the Hon'ble Apex Court passed in SLP(C) No. 26824 of 2012
on 18.07.2013, wherein the appointments, as made against the
34,540 vacancies were directed not to be distributed in any



manner but the State Authorities, in the name of verification that the petitioners are not holding a valid qualification and by entertaining the complaint, their appointment was questioned and a termination order was issued in this regard.

3. A person having similar grievance, had approached this Court and filed various writ petitions, and ultimately the matter was given a quietus, which is evident from AnnexureP/5 wherein, LPA preferred by the State Government against the orders passed by various writ courts were made the subject matter of challenge and Hon'ble Division Bench, in LPA No. 1254 of 2016 and analogous cases, was of the view that the State should not have interfered with such appointments on the ground of the qualification not having been properly verified, unless otherwise it was permitted by the Hon'ble Apex Court. The relevant extract of the aforesaid case, as referred in paragraph 16 and 17, is reproduced hereunder:-

16. We are of the definite opinion that in the present case where all the party-respondents were appointed as per the directions of the Hon'ble Supreme Court, under the supervision of Justice Chattopadhyay, cannot be terminated on grounds of qualifications not having been properly verified; unless otherwise permitted by the Hon'ble Supreme Court. The party respondents were appointed after



their eligibility being settled by Justice Chattopadhyay, appointed by the Hon'ble Supreme Court, to oversee the selection and appointment of teachers to the vacant posts, identified as available, as per the undertaking made by the State before the Hon'ble Supreme Court. Though the verification of credentials and qualifications of the candidates were directed to be done, there could be no such verification at this late stage. As noticed by the learned Single Judge in the impugned judgment the State ought to have been more vigilant when the appointments were carried out.

17. We hence find no merit in the appeals filed by the State and dismiss the same.

4. It has next been submitted by taking this Court to Annexure-P/6, which is passed in CWJC No.17663 of 2022 and analogous cases, where the writ petitioner had sought payment of salary on account of termination and not being allowed to discharge the duties on the post against which their appointment are said to have been made, were allowed by the writ Court. The relevant extract of the order, as referred in paragraph 8 and 9, is reproduced hereinunder :-

8. This Court has been informed at this stage that vide order dated 03.01.2023 while issuing notice to the respondents and making the rule returnable within a period three weeks, this Court



vide an interim order directed as under:-

“In the meanwhile, till further order the petitioners shall be allowed to continue.”.

9. It is submitted that despite the interim order of this Court, the respondent authorities have not allowed the petitioners in CWJC No. 17663 of 2022 to continue. This interim order has not been given effect to by the respondents but now the writ applications has been allowed with consent of the State that the case is covered by Hon'ble Division Bench judgment of this Court. Therefore, this Court is of the considered opinion that the consequential benefits, if any, payable to the petitioners in CWJC No. 17663 of 2022 for the period after 03.01.2023 till they are allowed to join shall be recovered from the erring officials who may be found responsible for not executing the order dated 03.01.2023 passed in this case.

5. It has next been submitted that Office Order in compliance of payment of salary has also been issued by Office of District Education Officer, Muzaffarpur, as contained in Memo No. 8285 dated 18.09.2024 and similar orders have also been appended, including one from the Office of the District Education Officer, Saharanpur, as contained in Memo No. 4716 07.11.2023. From these orders, it appears that the authorities, pursuant to such observations, have made payment of salary for



the period, while such similarly situated persons were not allowed to discharge their duties and subsequently terminated, contrary to the directions of the Hon'ble Apex Court and later taken back in service with the intervention of this Hon'ble Court.

6. On the contrary, the learned counsel for the State seeks time to file a counter-affidavit in this case. However, the request of the State Government is rejected for the simple reason that this matter has already been adjudicated and attained finality, and the act of filing a counter-affidavit would unnecessarily delay the proceedings. The State is, therefore, directed to take a final call in this regard, as per the directions given by the Hon'ble Division Bench of the Patna High Court, which has been passed in the light of judgment of Hon'ble Apex Court.

7. Considering the aforesaid, the petitioner is directed to file proper representation annexing all such documents which would be relevant for adjudication of the relief sought in this writ petition and on submission of such representation, the authorities would be obliged to take a final call strictly in consonance with the dictum of Hon'ble Apex Court as well as the order passed in the respective writ petitions referred by the



petitioner in this case. Let final decision be taken and communicated to the petitioner within a period of six weeks from the date of submission of the representation and if the benefits sought through this writ petition are found applicable, the same shall be extended to the petitioner within a further period of two weeks thereafter.

(Ajit Kumar, J)

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