

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16596 of 2025

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Nandlal Ray S/o Rajballabh Ray, Ward No. 8, R/o- Village-Akhityarpur Urf Akbarpur, P.O.-Sathiauta Bhagwan, P.S.-Bhagwanpur, District-Vaishali, Pin Code-844123 Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Govt. of Bihar, New Secretariat Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat Patna.
3. The Director, (Primary Education) Education Department, Govt. of Bihar, New Secretariat Patna.
4. The District Magistrate, Kaimur.
5. The District Education Officer, Kaimur.
6. The District Program Officer (Establishment), Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Shukla
For the Respondent/s : Mr.Government Pleader (5)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The instant writ application has been filed for the

following reliefs:-

- (i) *For commanding the respondent authorities to release the lawful salary of the petitioner of 18 months of termination period i.e. from the date of termination order dated 23.02.2022 to July, 2023, since similarly situated persons have been paid their salary after setting aside the termination order by the Hon'ble Court.*
- (ii) *For commanding the respondent authorities to release and pay the arrears of salary to the*



petitioner for the period from 23.02.2022 (date of termination) till the date of his reinstatement in service pursuant to Office Order contained in Memo No.395 dated 23.02.2022, issued jointly by the District Education Officer, Kaimur and the District Programme Officer (Establishment), Kaimur; as the termination order was passed on wholly untenable grounds, denial of consequential benefits is illegal, arbitrary, discriminatory, and violative of Articles 14 and 21 of the Constitution of India, particularly when similarly situated persons have already been granted salary for their termination periods.

(iii) For a direction upon the respondent authorities to pay interest at a reasonable rate (not less than 9% per annum) on the delayed payment of salary arrears till the actual date of disbursement, so as to compensate the petitioner for wrongful deprivation of his lawful dues.

(iv) For a declaration that the petitioner having been appointed pursuant to the order passed by the Hon'ble Supreme Court in Contempt Case No.297/2007, could not have been terminated in view of the specific directions of the Apex Court dated 18.07.2013 in SLP (Civil) No.26824/2012, and that such termination was wholly baseless and unsustainable in law; and for a consequential declaration that the petitioner is entitled to all consequential benefits including arrears of salary for the termination period, in terms of the judgment rendered in LPA No.1254/2016 and analogous matters.

(v) For any other relief to which the petitioner may be found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the



petitioner was appointed as an Assistant Teacher and he was one amongst the 34,540 candidates whose selection was approved by the Hon'ble Supreme Court. The entire merit list was scrutinized by a Committee constituted under the Chairmanship of Hon'ble Justice S.K. Chattopadhyay (Retd.), which was duly accepted by the Apex Court. In compliance thereof, the State Government appointed candidates strictly from the said approved list. The petitioner was accordingly appointed vide Memo No. 2288 dated 24.08.2020 issued jointly by the District Education Officer, Kaimur, Bhabua and the District Programme Officer, Kaimur, and was posted as Assistant Teacher in Girls Middle School, Bhabua under the district of Bhabhua.

4. It is further submitted that, in a very arbitrary manner, the petitioner's appointment was cancelled vide Office Order Memo No.395 dated 23.02.2022, despite specific orders and directions of the Hon'ble Apex Court dated 18.07.2013 in SLP (Civil) No.26824/2012, which unambiguously directs protection for persons appointed from the approved list as against the vacancies of 34,540. It is further submitted that under the pretext of verification, the petitioner's services were terminated holding that he obtained his degree from an unauthorized institution.



5. It has next been submitted that termination order issued in respect of the petitioner vide office order dated 23.02.2022, was challenged before this Hon'ble Court vide CWJC No.126 of 2024. The said writ petition was allowed vide judgment dated 01.03.2024 by directing the respondents in following manner:-

“Accordingly, this writ application is disposed of with a direction to the petitioner to file a representation before the District Education officer, Kaimur (respondent no.5) along with the judgment passed in LPA No.1254 of 2016 and other analogous cases and other documents in support of his claim. The District Education officer, Kaimur (respondent no.5) shall dispose of the representation of the petitioner by a reasoned and speaking order within four weeks from the date of its receipt.”

6. Learned counsel for the petitioner submits that orders passed by Hon'ble Coordinate Bench and Hon'ble Division Bench of this Court in similarly situated cases, the respondents have been directed to make payment of salary to teachers who remained out of service. However, for unexplained reasons, similar treatment has not been extended to the petitioner despite references having been made of those judgments in his representations. The termination and denial of salary to the petitioner, while others have received benefits, is



arbitrary and contemptuous in nature, based on pick and choose treatment without valid reason. The principle of “no work, no pay” cannot apply here because it is their own action which kept this petitioner out of service and further no such consideration has been made in case of other similarly situated persons, as they have have been paid salary despite non-working periods, in compliance with the Hon’ble Division Bench’s orders.

7. At this stage, learned counsel for the petitioner submits that this Court has also passed orders in Dinesh Kumar Singh vs. State of Bihar & Others vide order dated 02.09.2025 in CWJC No.14158 of 2025, directing payment of salary for the period the petitioner remained out of service.

8. On the other hand, learned counsel for the State submits that the petitioner’s case may be directed to be considered afresh by the competent authority in light of the judgment passed in LPA No. 1254/2016 and other analogous matters, particularly taking into account the documents annexed as Annexure P/5, wherein benefits have already been extended to similarly situated persons.

9. Considering the submissions, this application is disposed of with a direction to the respondents to extend similar treatment to the petitioner. If it is found that the petitioner was



appointed on the basis of the recommendation of the One-Man Committee headed by Justice S.K. Chattopadhyay (Rtd.) and his case is covered under the order of the Hon'ble Apex Court in SLP (Civil) No.26824/2012 dated 18.07.2013, then all consequential benefits, including salary for the period having remained out of service, shall be paid to him within a period of six weeks from the date of production or receipt of a copy of this order.

(Ajit Kumar, J)

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