

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16478 of 2023

1. Md. Rayees Anwer Son of Late Md. Owais, Mohalla- Asanagar, P.O. and P.S.- Soh Sarai, District- Nalanda and was posted at Upgrade Middle School, Pernawan Block, Sermera, District-Nalanda.
2. Mohammad Mahmoodul Haque Son of Late Manzoorul Haque, Resident of Mohalla- Sekhana khurd, P.O. and P.S.- Biharsharif, District- Nalanda and was posted at Middle School Uterthoo, Bind Block, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Education Department, Vikash Bhawan, Patna.
2. The Principal Secretary, Education Department, Vikash Bhawan, Patna.
3. The Joint Secretary, Education Department, Vikash Bhawan, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Education Officer, Nalanda.
6. The Block Education Extension Officer Sermera, Nalanda.
7. The BDO- cum- Secretary Sermera, Nalanda.
8. The Head-Master Upgrade Middle School, Pernawan Block, Sermera, District-Nalanda.
9. Block Education Officer, Sermera Block, Nalanda.
10. Middle School, Utertho Block Bind, District-Nalanda.
11. Block Education Officer, Bind Block, Nalanda.
12. The B.D.O.-Cum-Secretary, Bind Block, Nalanda.
13. The Programme Officer, (Establishment) Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mohammad Abu Shajar
For the Respondent/s : Mrs. Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-01-2025

Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submits that the petitioners' case is squarely covered by a recent judgment dated



28.08.2023 delivered by the Division Bench of this Court in L.P.A. No. 1254 of 2016 arising out of C.W.J.C. No. 24355 of 2018 and other analogous cases.

3. Learned counsel for the petitioners submits that the petitioners also figured in the list of 34,540 elementary teachers approved by the Hon'ble Mr. Justice S.K. Chattopadhyay (Retd.) Committee. He further submits that the Hon'ble Supreme Court has in its judgment in SLP (Civil) No. 26824 of 2012 directed inter alia as under:-

“We make it clear that none of the persons appointed out of the 34,540 vacancies should be disturbed in any way, but the question of filling up the balance vacancies may be taken into consideration, while disposing of the applications in question.”

4. It is, in view of the aforementioned clarity given by the Hon'ble Supreme Court in its judgment, the Hon'ble Division Bench of this Court has held in L.P.A. No.1254 of 2016 and other analogous matters that there could be no termination on the basis of a further verification. The views expressed by the Hon'ble Division Bench of this Court may be found in paragraph '16' as under:-

"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."

5. It is submitted on behalf of the State that if the petitioners are appointees from the list of 34,540 candidates which was approved by the Hon'ble Supreme Court, then the Hon'ble Division Bench judgment would be applicable in their cases as well.

6. Having regard to the submissions noted hereinabove, in view of the developments in the form of Hon'ble Division Bench judgment in L.P.A. No.1254 of 2016 and other analogous cases, this Court quash the Annexures-P/1 series of the writ application and directs the respondents to consider the case of the petitioners keeping in view the Bihar Litigation Policy, 2011 in the light of the judgments of this Court rendered in L.P.A.



No.1254 of 2016 and other analogous matters, L.P.A. No.1309 of 2017 and L.P.A. No. 1310 of 2017 and grants similar benefits to the petitioners as have been given to the other terminated teachers of the said list.

7. Let the entire exercise be completed within a period of three months from the date of receipt/production of a copy of this order.

8. This writ petition is allowed to the extent indicated hereinabove.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2025
Transmission Date	NA

