

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16310 of 2024

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Nityanand Singh, Son of Dineshwar Prasad Singh, Resident of Mohalla-
Panchwati Colony Kutubganj, P.S.- Mojahidpur, District- Bhagalpur, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Additional Collector, (Disaster Management), Bhagalpur.
5. The Incharge Officer, District Confidential Branch, Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The District Programme Officer (Establishment), Department of Education, Bhagalpur.
8. The Block Development Officer, Goradih, District- Bhagalpur.
9. The Panchayat Employment Committee, through its Secretary, Gram Panchayat Raj, Agarpur, Goradih, District- Bhagalpur.
10. The Panchayat Secretary, Gram Panchayat Raj, Agarpur, Goradih, District- Bhagalpur.
11. Komal Kumari, Wife of Awadhesh Singh, Resident of village- Goradih Jagdishpur, P.S.- Jagdishpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv.
For the Respondent/s	:	Mr. Addl. Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 25-09-2025

Heard the parties.

2. The challenge in the present writ petition is made to the letter as contained in Memo No. 2820/C Bhagalpur dated 24.09.2024 issued under the signature of Incharge Officer, District Confidential Branch, Bhagalpur whereby and



whereunder District Programme Officer (Establishment) Education Department, Bhagalpur has been directed to initiate action against the petitioner based upon the report of the Additional Collector (Disaster Management), Bhagalpur who found the employment of the petitioner as forged.

3. During the pendency of the writ petition the petitioner has also been served with a show cause notice contained in Memo No. 46 dated 23.10.2024 and the resultant consequential letter as contained in memo no. 69 dated 31.07.2025 issued under the joint signature of the Mukhiya and the Panchayat Secretary, Gram Panchayat Raj, Agarpur, Goradih whereby and whereunder the services of the petitioner has been terminated with effect from 31.07.2025. The afore-noted letters have also been put to challenge by filing interlocutory application no. 1 and 2 of 2025.

4. The facts are admitted to the extent that the petitioner was duly appointed as a Panchayat Teacher long back in the year 2014, in pursuant to the direction of the District Appellate Authority under Memo No. 31 dated 12.12.2014. Since then the petitioner has been discharging his duties, in the mean time, on a complaint made by a person whose identity has not even been verified, the petitioner was proceeded and put



under suspension in the year 2019, but later on, vide Memo No. 2527 dated 21.09.2019 issued under the signature of District Programme Officer (Establishment), Bhagalpur his suspension was revoked and charges were dropped.

5. Once again in the year 2023, one another complaint was made before the District Public Grievance Redressal Cell, Bhagalpur alleging the appointment of the petitioner obtained by playing fraud, however no documents have been furnished to substantiate such allegation and finally this proceeding also came to be dropped vide letter no. 1920 dated 10.08.2023. Notwithstanding the aforesaid fact, the Additional Collector (Disaster Management), Bhagalpur vide its letter no. 582 dated 20.05.2024 directed the petitioner to submit all his educational and training certificate to his office disclosing therein that a complaint has been receive against him in this behalf. The petitioner appeared before the Additional Collector (Disaster Management), Bhagalpur and submitted all the necessary papers, but he has not been allowed to explain the entire matter.

6. In the meanwhile, under Memo no. 2820 dated 24.09.2024 issued under the signature of Officer-in-Charge, District Confidential Branch, Bhagalpur directed the District Programme Officer (Establishment), Bhagalpur that



appointment of four teachers including the petitioners have been found forged in the report of Additional Collector (Disaster Management), Bhagalpur and, as such, necessary action is directed to be taken against those teachers. The aforesaid letter is put to challenge by filing the present writ petition, while the matter was pending consideration, in the meanwhile, the petitioner was served with a show cause notice contained in Memo No. 46 dated 23.10.2024 issued under the signature of the Panchayat Secretary of the concerned Gram Panchayat as to why not the services of the petitioner be terminated and an FIR be lodged against him. The petitioner immediately responded to the aforesaid show cause notice and submitted all his explanation with necessary papers on 02.11.2024 and made a request to apprise him on what ground his employment has been alleged to be forged. Instead of disclosing the ground, the impugned order as contained in Memo No. 69 dated 31.07.2025 came to be passed under the joint signature of Mukhiya and Panchayat Secretary and the services of the petitioner has been terminated. The show cause notice as well as the impugned order of termination are put to challenge by filing interlocutory applications.

7. Mr. Rajendra Narayan, learned Senior Advocate



representing the petitioner while assailing the impugned orders submitted that the very initiation of the proceeding and the impugned order of termination passed at the behest of the order of the Additional Collector (Disaster Management), Bhagalpur is wholly without jurisdiction as the Additional Collector (Disaster Management), Bhagalpur has neither the appointing or disciplinary authority of the petitioner nor empowered under the Bihar Panchayat Teacher Appointment Service and Condition Rules, 2006 and the Rules amended from time to time. The facts are admitted to the extent, the petitioner was duly appointed as a Panchayat Teacher long back in the year 2014 in pursuant to the District Appellate Authority under Memo No. 31 dated 12.12.2014, since then the petitioner has been discharging his duties. The so called complainant is neither in existence nor any complaint/documents has been handed over to the petitioner, based upon which the so called enquiry was conducted. It is further submitted that after coming into force of Bihar School Exclusive Teachers Rules, 2023 the petitioner appeared in the Competency Test and on being successfully passed the Competency Test, necessary order has been issued and the petitioner was duly converted as Exclusive Teacher; hence any proceeding which has been initiated against the petitioner must



be proceeded in accordance with the Bihar School Exclusive Teachers Rules, 2023.

8. Referring to the proviso to Rule 3 of the Bihar School Exclusive Teachers Rules, 2023, it is submitted that there is a specific stipulation that these Exclusive Teachers upon passing the Competency Test under Rule 4, will be entitled to avail the salary and other perks entitled to the school teachers appointed under the Bihar State School Teachers (Appointment), Transfer, Disciplinary Proceeding and Service Condition Rule, 2023. It is further provided that any disciplinary action, vigilance, enquiry or any other investigation pending against such local bodies teachers, who became Exclusive Teacher, shall continue as per the provision of these Rules.

9. Further, taking this Court through the Bihar State School Teachers (Appointment), Transfer, Disciplinary Proceeding and Service Condition Rule, 2023, specially Rule 14 thereof, learned Senior Advocate contended that there is no iota of confusion that the provision contained in Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 as amended from time to time shall be applicable to the school teacher appointed under these Rules. Hence, in no circumstances, the impugned order of punishment inflicted by



the Mukhiya and the Panchayat Secretary of the Panchayat concerned, is sustainable in law.

10. Learned Advocate for the State referring to the counter affidavit submitted that upon receipt of the complaint in the office of the District Magistrate, Bhagalpur with respect of illegal appointment of some of the Panchayat Teacher, an enquiry was conducted and it has been found that the appointment of the instant petitioner has been made on wrong roster, because the post which has been occupied by the instant petitioner, is meant for EBC, whereas the petitioner belongs to BC-2, hence his appointment cannot be possible on the said post, even on any direction as has been given by the District Appellate Authority.

11. This Court has given anxious consideration to the submissions advanced by learned Advocate for the respective parties and also perused the materials available on record. Since the issue raised before this Court is confined to the legality of the order, this Court without touching into the facts of the case, thinks it apt and proper to proceed further.

12. From the materials available on record, specially the submissions made by learned Senior Advocate, it is admitted that the very appointment of the petitioner was made in pursuant



to the order of the District Appellate Authority and till date, the order of the District Appellate Authority is neither amended, modified nor turned down by any Appellate Authority. An order, even if it is bad or illegal, unless it is turned down by the superior Court, it still holds the field good and thus cannot be ignored and overlooked in such a casual manner.

13. This Court further finds substance in the submission that once the petitioner has been converted as an Exclusive Teacher, the service condition of the petitioner shall be governed with the Bihar School Exclusive Teachers Rule, 2023. The aforesaid fact has not been confronted by the respondent that the petitioner has not passed the Competency Test, however, learned Advocate for the State submits that there is no order with respect to the appointment of the petitioner as Exclusive Teacher.

14. The submission of the learned Advocate for the State has no relevance as the Bihar School Exclusive Teachers Rule, 2023 clearly stipulates that the date on which a local body teacher shall pass the Competency Test, they shall be treated as an Exclusive Teacher. Moreover, initiation of the departmental proceeding and/or the enquiry conducted by the Additional Collector (Disaster Management) Bhagalpur who have no



authority under the law even with respect to local bodies teachers, like Panchayat/Prakhand Teachers or Exclusive Teachers, any enquiry conducted by him is wholly without jurisdiction. The enquiry further vitiated, when the copy of the same has not been handed over to the petitioner, alongwith the show cause notice. This Court also find that once the petitioner has been converted as an Exclusive Teacher, the Mukhiya and the Panchayat Secretary of the concerned Panchayat has no jurisdiction to pass the impugned order of termination against the petitioner, who is now an Exclusive Teacher and thus he shall only be subjected to Bihar Government Servant (Classification, Control & Appeal) Rules, 2005, in terms with Rule 14 of the Bihar state School teachers (Appointment) Transfer, Disciplinary Proceeding and Service Condition Rules, 2023.

15. On all these grounds, both the impugned orders as contained in Memo No. 2820/C Bhagalpur dated 24.09.2024 as well as the order contained in Memo No. 69 dated 31.07.2025 *qua* the petitioner are hereby set aside, the consequences shall follow, with his reinstatement and other benefits.

16. The matter is hereby relegated to the concerned authority to proceed in accordance with law, if so intended, in accordance with law.



17. The writ petition stands allowed.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2025
Transmission Date	NA

