

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17163 of 2025

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Gita Singh Wife of Krishna Nandan Singh, R/o. Samta Colony (Bari Yusufpur), Hajipur, P.S. Hajipur, District- Vaishali (Hajipur), Pin 844101.

... .. 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 Education Officer, Vaishali at Hajipur.
5. The District Programme Officer, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra
For the Respondent/s : Mr.Archana Meenakshee, GP6
Mr.Rohit Singh, AC to GP6

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 04-11-2025 Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the
following relief(s):-

“(i) For issuance of an appropriate writ/writs in the nature of certiorari for quashing of the part of order contained in Memo No. 91, dated 24.01.20024 issued by the District Education Officer, Vaishali whereby and where under the Petitioner was reinstated in her service in Middle school, Minapur,Hajipur and advantage of continuity of service was also given as per the order dated 28.08.223, passed in C.W.J.C No. 8180 of 2021 but the arrear of salary from the date of the termination to date of the reinstatement was not given by assigning the reason no work no pay



arbitrarily.

(ii) For issuance of appropriate writ or writs in the nature of mandamus commanding the concerned respondents to give all consequential benefit to the petitioner from the date of his termination order dated 09.06.2015 to date of the reinstatement 25.01.2024 in light of the order passed by the Hon'ble Division Bench in L.P.A. No. 1254 of 2016 and other analogous cases since the petitioner has been reinstated in service on 25.01.2024 pursuant to the order of the Hon'ble Court passed in C.W.J.CNo. 8180 of 2021 but still the consequential benefits including his arrears of salary have not been paid by the concerned respondent authority from the date of his termination order. However, similarly situated persons have already been paid their consequential benefits including arrears of their salary from the date of their respective termination orders.

(iii) It is further prayed that this Hon'ble Court be pleased to grant any other reliefs for which petitioner is found entitled and an appropriate writ/writs, order/orders or direction/directions may be issued under the given facts and circumstances of the case.”

3. Counsel for the petitioner submits that the petitioner having found eligible for the post of Assistant Teacher as against the advertisement published by the Bihar Staff Selection Commission vide Advertisement No. 210 of 2010 against the 35450 vacancies, was given appointment to the post of Assistant Teacher and posted in the Middle School Dumduma, Mashrak, Saran in the Pay Band-2, Grade Pay



4200/- in terms of the order passed by the Hon'ble Apex Court in Contempt Petition being MJC No. 297 of 2007 and accordingly, the District Education Officer, Saran, Bihar came out with Memo No. 03-09/2010 dated 08.02.2021.

4. It has next been submitted that the petitioner had joined the Middle School Dumduma, Mashrak, Saran with effect from 17.02.2012, and the salary was paid. It has next been submitted that the District Education Officer, Vaishali in a very arbitrary and cavalier manner, terminated the service of the petitioner from the post of Assistant Teacher vide order as contained in Memo No. 2934 dated 02.05.2015 by assigning the reason that the teacher training certificate of the petitioner is not from the recognized institution as per the criteria of Education Department, Government of Bihar.

5. Learned counsel for the petitioner has next submitted that in terms of judgment of Hon'ble Apex Court, the appointment of these petitioners were not to have been disturbed in the present manner, as there was already a committee constituted by the Hon'ble Apex Court and pursuant to the recommendation made by Justice Chattopadhyaya's committee, the appointments in question were said to have been made.

6. It has next been submitted that the termination of



similarly situated persons were interfered by Co-ordinate Bench as well as Hon'ble Division Bench in the cases filed by the such persons, and the orders to that effect is already appended as Annexure-P/6 and P/7 and his case is also squarely covered with the ratio laid down in the said decisions.

7. On the other hand, learned counsel for the State admits the legal position and submits that this case may also be directed to be decided in terms of judgment, which has been appended with the writ petition especially in terms of judgment appended as Annexure-P/8, which takes care of the earlier judgment with respect to similarly situated persons and which directs grant of payment of salary for the period, the petitioner was forced to remain out of service pursuant to the termination order passed in 2015 and as such the petitioner is also entitled for the benefits of salary which have been extended in favour of *Raghunandan Rai* passed in CWJC No. 15517 of 2016 dated 02.07.2024, and the petitioner may also be directed to make representation appending the various order passed by this Court, which are appended as Annexure-P/5 to P/9.

8. Considering the aforesaid, the petitioner is directed to submit representation appending all such judgments and orders passed by the Court within a period of four weeks for



payment of salary for the petitioner having remained out of service and on such submission of representation, the necessary decision may be taken by the Respondent No. 5 – District Programme Officer, Vaishali at Hajipur, who shall be obliged to pass a reasoned and speaking order within a period of six weeks from the date of such representation, and similar benefits shall be extended at par with the writ petitioner of CWJC No. 15517 of 2016 *vide* Annexure-P/8 within the same period.

9. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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