

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18798 of 2025

Ashok Kumar S/o. Shashi Bhushan Prasad Singh, R/o. Village Hussaina
Raghaw, P.O Balukaram, P.S and 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 Education Officer, Jahanabad, District- Jahanabad.
5. The District Programme Officer, Jahanabad, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra, Advocate
For the Respondent/s	:	Mr. Government Advocate (03)
		Mr. Shiv Kumar, AC to GA-3

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 20-11-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

*I. 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 24.11.2015 to date of the
reinstatement 18.01.2024 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
18.01.2024 pursuant to the order of the Hon'ble
Court passed in C.W.J.C No. 6486 of 2016 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.

II. For issuance of appropriate writ or writs in the nature of mandamus commanding the concerned respondents to pay the salary of the Petitioner for month of November, 2015.

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. At the outset, learned counsel for the petitioner submits that the issue with regard to payment of consequential benefits to the petitioner from the date of termination to the date of reinstatement, has already been adjudicated by Hon'ble Division Bench vide L.P.A. No.1254 of 2016 and the relevant portion is extracted hereinbelow:-

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.

4. It has next been submitted that despite adjudication having been made by the Hon'ble Division Bench holding that the appointments which were made, as per the direction of Hon'ble Supreme Court under the supervision of Justice Chattopadhyay, could not have been terminated on the ground of qualifications not having been properly verified unless otherwise permitted by the Hon'ble Supreme Court and as such, the very termination which was effected with respect to the petitioner's of the said case was held to be bad in law and accordingly, for consequential benefits, they were held legally



entitled to receive during the period when they were made to remain out of job but for reasons unexplained, the authorities have not paid the salary for the said period to this petitioner and in similarly situated case, this Court vide order dated 08.09.2023 passed in C.W.J.C. No.24355 of 2018, Noorus Sabah and Others v. The State of Bihar and Others and its analogous cases, had the occasion to pass the following orders, the relevant portion of which is extracted hereunder :-

6. Ms. Binita Singh, learned SC-28 for the State and learned counsel for the Bihar School Examination Board are present. It is submitted 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.

7. 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 sets aside the impugned orders of termination in the respective writ applications 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.

5. Considering the fact that this matter has already been adjudicated by the Hon'ble Division Bench as well as by the Co-Ordinate Bench and as such these petitioners, who have illegally been terminated contrary to the dictum of Hon'ble Apex Court, are entitled to the salary for the said period and there is no reason to deny the said benefits to these petitioners and accordingly, respondent No.4, District Education Officer, Jehanabad, is directed to pay all consequential benefits for the period the petitioner was made to remain out of job for no fault of his, within a period of eight weeks from today and the respondents would be at liberty to recover the amount from the person who is found responsible for having passed such order in contradiction of Hon'ble Apex Court judgment.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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