

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17905 of 2023

Priya Ranjan Kumar Singh son of Shri Aniruddh Singh, Resident of Village - Jalpurwa, Near School, Sarari Tola Jalpurwa, Sarea, Mustafabad, Police Station-Goreyakothi, District-Siwan. At present posted and working as a Prakhhand Teacher in Govt. Upgraded Middle School Dudhra Mathiya, Anchal Goreya kothi, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Dept., Patna.
2. The District Education Officer, Siwan
3. The District Programme Officer (Establishment) Siwan.
4. The Block Development Officer, Goreyakothi, District -Siwan.
5. The Block Education Officer, Goreyakothi, District - Siwan.
6. The Block Education Officer, Pachrukhi, District - Siwan.
7. The Block Panchayati Raj Officer, Goreyakothi, District -Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed on behalf of the petitioner for the following reliefs:-

“I. For issuance of an appropriate writ in the nature of certiorari for quashing the memo no.2903 dated 28.10.2023 issued under the signature of the District Education Officer, Siwan by which he has directed for cancellation of the employment of the petitioner as Prakhhand Teacher, Govt. Upgraded Middle School



Dudhra Mathia, Anchal-Goreyakothi, District-Siwan from the date of receipt of the letter on the ground of the B.Ed. Certificate furnished by the petitioner at the time of her selection is forged and fabricated, without a proper enquiry in the matter as also without considering the fact that the petitioner has been continuing on the said post since 2010 and such decision has been taken without following the procedure prescribed under Bihar Panchayat Elementary Teacher (Employment and Service Condition)Rule, 2012, 15 (Chha), in which, it has specifically been mentioned that for termination of service/cancellation of appointment, disciplinary proceeding will be followed in a prescribed manner. But in the present case, no procedure has been followed and in a very mechanical manner, selection of the petitioner as Prakhanda Teacher has been directed to be cancelled, which is not just and proper and completely against the principles of natural justice, as no full-fledged departmental proceeding has been initiated against the petitioner.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities



concerned to allow the petitioner to discharge his duties as Prakhanda Teacher along with payment of salary in Government Upgraded Middle School Dudhra Mathia, Anchal-Goreyakothe, District-Siwan, as the petitioner had been selected/appointed on the said post after following the due procedure of selection and he has been discharging his duties on the said post of Prakhanda Teacher since 2010 and only on the ground of false and frivolous allegation due to enmity that his certificate of B.Ed. Found to be forged and fabricated, his employment cannot be cancelled by the order of the District Education Officer, Siwan and that too without following the procedure prescribed under Bihar Panchayat Elementary Teacher (Employment and Service Condition) Rule, 2012, 15 (Chha) in which it has specifically been mentioned that for termination of service/cancellation of appointment, disciplinary proceeding will be followed in the prescribed manner.

III. For issuance of an appropriate writ in the nature of prohibition for restraining the respondent authorities concerned i.e. the Block Employment Committee, Goreyakothe, Siwan to not make any hindrance in proper functioning of the



petitioner as Prakhanda Teacher in his respective school with payment of salary as the petitioner has been appointed after following the due process of selection and at the time of his selection all the certificates of his educational qualification including the B.Ed. certificate issued by the Satishchandra College, Baliya and only thereafter, he has been allowed to join on the said post of Prakhanda Teacher and thus the services of the petitioner cannot be terminated at this stage of his career after 13 years of satisfactory service.

IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay the arrears of salary which has not been paid for the period since 31.07.2021 to March, 2022 and since October, 2023 to till date, without any further delay.

V. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the present case.”

3. Learned counsel for the petitioner submits that petitioner was appointed on the basis of an advertisement published in the year 2008, Bihar Elementary Teacher Selection,



thereafter, petitioner joined the school. Learned counsel for the petitioner further submits that the service of the petitioner was terminated without giving her a show cause notice or without initiating any departmental proceedings. He further submits that there is complete violation of principles of natural justice. In support of his submission, learned counsel for the petitioner has relied upon a Division Bench judgment of this Court in the case of Ajit Kumar Vs. the State of Bihar & Ors. passed in L.P.A. No. 501 of 2017.

4. Learned counsel for the State has no objection to the submissions of learned counsel for the petitioner.

5. Considering the foregoing discussions, the order dated 28.10.2023 passed by the District Education Officer, Siwan (Annexure-P/10) of the writ application is set aside directing the respondent concerned to reinstate the petitioner in service and conduct a departmental proceedings giving her an opportunity to file show cause reply. The respondent is also directed to pay the consequential benefit of the petitioner.

6. The writ petition is allowed.

(Anjani Kumar Sharan, J)

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