

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2239 of 2025

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Anuradha Prakash Garg Om Prakash Lal @ Om Prakash, Resident of
Mohalla-Banaulia, Post and P.S. Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education Patna Division, Patna.
4. The District Education Officer, Nalanda at Biharsharif, District-Nalanda.
5. The District Programme Officer, Secondary Education, Nalanda at Biharsharif, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sri Krishna Ranjan, Adv
For the Respondent/s	:	Mr. Standing Counsel (16)
		Mr. AC to SC 16

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 22-06-2026 Heard the parties.

2. The present writ application has been filed by the petitioner for quashing the order contained in Memo No. 1519 dated 23.12.2023 issued by the Regional Deputy Director of Education, Patna Division, Patna by which, after concluding the departmental proceeding against the petitioner, 100% pension of the petitioner has been stopped under Rule 43(b) and Rule 139 of Bihar Pension Rule, on the ground that the appointment of the petitioner on the post of Assistant Teacher in the year 1981 was irregular.



3. Learned counsel for the petitioner submits that the issued involved in the present writ application is squarely covered by judgment and order dated 27.02.2024 passed by a Division Bench of this Court in the case of **Kamini Kumari vs. The State of Bihar and others in L.P.A. No. 1219 of 2023 and other analogous cases**. He, therefore, prays that this writ application may be decided in favour of the petitioner in terms of the said judgment.

4. The admitted factual position is that the petitioner was appointed as Assistant Teacher on 16.02.1981 and her service got approved on 21.03.1990. After serving as Assistant Teacher, she finally retired on 31.12.2015. After retirement, departmental proceeding was initiated on 29.09.2018 alleging irregular appointment in the year 1981 and finally the impugned order contained in Memo no. 1519 dated 23.12.2023 (Annexure-P/6) was passed withholding 100% pension of the petitioner, by purportedly exercising power under Rule 43(b) and Rule 139 of Bihar Pension Rule. Aggrieved by this impugned order, the petitioner has filed this writ application.

5. Similar to the case of the petitioner, in the case of **Kamini Kumari vs. The State of Bihar and others (Supra)** also there was no allegation of unsatisfactory service raised



against any of the appellants and there was no allegation of misconduct and the only allegation was that the appointment had been obtained irregularly which related back to more than three decades. The Division Bench of this Court while deciding L.P.A. No. 1219 of 2023 held that the disciplinary inquiry initiated itself was illegal for want of sanction and incident complained of being far earlier to that provided under Rule 43(b) and thus, the initiation of the departmental inquiry itself stood vitiated. Under these circumstances, the Division Bench of this Court in the said judgment quashed the punishment imposed under Section 139(c), going by the Pension Rules.

6. As stated above, since the case of the petitioner is similar to that of **Kamini Kumari vs. The State of Bihar & Ors (Supra)**, therefore, this case is allowed in terms of the said judgment and the impugned order contained in memo no. 1519 dated 23.12.2023 (Annexure-P/6) is hereby quashed.

7. This writ application is, therefore, allowed to the aforesaid extent.

(Alok Kumar Sinha, J)

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