

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3525 of 2019

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1. naulesh kumar sinha and ors S/o Krit Narayan Sharma Village-Balmi Siviya,P.O. Madan Siviya,P.S. Kalyanpur,Dist.-E.Champaran,Motihari
 2. Chandra Bhusan Mishra S/o Lae Mohan Dev Mishra R/v.-Bigdhavi,P.S. Keshariya,Dist.-E.Camparan,Motihari
 3. Dharam Nath Pandey S/o Vikramaditya Pandey Resident at post Kadhim Beria,P.S. Keshariya,Dist.-E.Champaran,Motihari
 4. Ramayan Bhagat S/o Basudev Bhagat Vill-Puraina,P.O.-Sarotar,P.S. Dumariya Ghat,Dist.-East champaran ,Motihari
 5. Janardhan Baitha Late Raghunath Baity Resident of at P.O.-Digdhari,P.S. Keshariya,Dist.-E.Champaran,Motihari

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary,Department of Education, Govt. of Bihar,Patna
2. The Principal Secretary, ,Department of Education, Govt. of Bihar,Patna
3. The Director Secondary Education Govt. of Bihar,Patna
4. The Regional Deputy Director of Education,Tirhut Division-Muzaffarpur
5. The District Magistrate, East Champaran,Motihari
6. The District Education Officer, East Champaran,Motihari
7. The District Programme Officer(Establishment)East Champaran,Motihari
8. Sri Awadh Rai Secretary,Managing Committee of High School,Jagirha,P.O. Pgdhari, Keshariya,East Champaran,Motihari
9. The Managing Copmmittee High School,Jagiraha,P.O. Bigdhari,P.S. Keshariya,Dist.East Champaran,Motihari through the Secretary,Sri Awadh Rai
10. The Bihar School Examination Board,through its Chairman

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (Gp17)
		Mr. Suraj Narain Yadav, Advocate
		Mr. P.K. Shahi, Sr. Advocate
		Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL JUDGMENT

Date : 19-01-2026

Heard learned counsel for the petitioners and



learned counsel for the respondents.

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

(i) For directing the respondents to ensure compliance of the order dated 28.02.2013 passed by the Director Secondary Education, Government of Bihar, Patna and the order dated 18.07.2016 passed by the District Teacher Appellate Authority, East Champaran, Motihari in Case No.909/2014 whereby and whereunder it has been held that the removal of petitioners from the High School, Jagiraha, Keshariya East Champaran, Motihari is illegal and the petitioners have been directed to be reinstated in the aforesaid school.

(ii) For holding the respondents to be under obligation to comply with the order dated 28.02.2013 passed by the Director, Secondary Education, Government of Bihar, Patna and the order dated 18.07.2016 passed by the District Teacher Appellate Authority, East Champaran, Motihari in Case No.909/2014 whereby and whereunder it has been held that the removal of the petitioners from the High School, Jagiraha, Keshariya, East Champaran, Motihari is illegal, and thereafter direct them to ensure that the petitioners are taken back into the service and grants in aid disburse by the Respondent State is distributed amongst the rightful claimants.

(iii) For directing the respondent No.5 to 7 to take appropriate action against Respondent No.8 who is adamant on not allowing the petitioner to enter the premises and, as such who is deliberately violating the orders of the Director, Secondary Education (Respondent No.3) and also the order of District Teacher Appointment Appellate Tribunal, East Champaran, Motihari whereby the removal of petitioners has been held to be illegal.



(iv) For holding that in view of the report dated 17.02.2010 of the District Magistrate, East Champaran, (Respondent No.5) and the report dated 31.12.2009 of grievance redressal Officer the Respondent No.8 with a view to illegally siphon the grants in aid amount and distribute it amongst his relatives and other newly appointed employees has illegally removed the petitioners who are the rightful claimant of grants in aid issued to the institution.

(v) For directing the respondents not to release grants in aid in view of the letter dated 17.02.2010 issued by the Respondent No.5 until the petitioners and other such person who have been illegally removed by the Respondent No.8 are taken back into the High School, Jagiraha.

(vi) For directing the Respondent No.5 to 8 to enquired as to how the grants in aid issued in 2010 (for year 2008-09) to Jagiraha High School has been disbursed amongst the employees of Jagiraha High School by Respondent No.8 despite there being order dated 17.02.2010 issued by Respondent No.5 not to disbursed any grants in aid until the petitioners who have been removed are taken back into the service.

(vii) For directing the Respondents to take appropriate steps including cancellation of code allotted to the Jagiraha High School so as to ensure no further siphoning of grants in aid in the name of such teachers who have never been there to serve for the period against which they are claiming the grants in aid.

(viii) For any other relief(s), which it may deem fit in the facts and circumstances of the case

3. Learned counsel for the petitioners, by taking this Court to the order passed by the coordinate Bench in CWJC



No. 4429 of 2014, submits that the coordinate Bench had categorically recorded a finding that the Director of Secondary Education did not have a authority to interfere in the workings of private schools or appointments made by the Managing Committee of these schools. On these premises, the portion of the order of the Director of Secondary Education was held to be without jurisdiction, and accordingly, the order to that extent was quashed. However, liberty was restored to the petitioner with the stipulation that, if the petitioner is so sanguine about his continuation in service or his alleged removal being in violation of the principles of natural justice, the recourse which is provided in law may be resorted by him for ventilating his grievances.

4. It is the case of the petitioners that, after such orders were passed, the Managing Committee of the School preferred an appeal before the District Appellate Authority, who recorded a categorical finding regarding the petitioners' claim. The Authority noted that, although the appeal was preferred by the Managing Committee, a finding was recorded to the effect that the petitioners did not leave the school on their own. Rather, there had been an order passed by the Secretary of the School terminating the petitioners' services, which compelled them to



leave. Accordingly, the statement that the petitioners left the school voluntarily is incorrect.

5. It has next been submitted that, while recording such findings, even the report prepared by the District Magistrate regarding the disputed issues, was also taken into consideration. Upon hearing the parties, such findings were recorded with regard to the petitioners' claim, wherein it was categorically been stated that these petitioners had to leave the school pursuant to the order of termination and not voluntarily. Such findings could only be recorded because the Secretary did not cooperate with the investigating officers, who were entrusted with the responsibility of conducting the inquiry, as the connected records were kept at the Secretary's residence and were deliberately concealed from the enquiry team. Based on such materials, the District Appellate Authority concluded that the orders passed by the Managing Committee in respect of these petitioners were not in accordance with law, and accordingly, the order of termination was set aside by the District Appellate Authority. While recording such findings, the District Appellate Authority referred to the order passed by the Director of Secondary Education, which is contained in Memo No. 176 dated 07.03.2013, which was said to have been



confirmed by the District Appellate Authority. However, the findings of the order passed by the District Appellate Authority is based on its own merit and bore no direct semblance of the order passed by the Director, Secondary Education, with the consideration made by the District Appellate Authority while setting aside the termination orders; it was merely a passing reference recorded in the order dated 18.07.2016, which is mentioned in the District Appellate Authority's order, and its mere reference has put that order to challenge before the higher forum (State Appellate Authority, Patna).

6. It has next been submitted that upon passing of such orders by the District Appellate Authority, East Champaran, Motihari, the Managing Committee is said to have approached the State Appellate Authority by filing an appeal being Appeal No.27 of 2019, wherein on consideration of submission of the counsel representing the Managing Committee, said to have taken categorical stand that the grievances of the petitioners stood redressed, once the Hon'ble High Court had set aside the operating part of the order passed by the Director, Secondary Education, Government of Bihar, vide memo no.176 dated 07.03.2013, while the adjudication made in respect of termination order by recording its



independent finding remained intact.

7. Since there is no appeal or challenge having been made by the Managing Committee of High School Jagiraha, East Champaran, Motihari, therefore, the findings which are said to have been recorded by the State Appellate Authority attained finality as against them. During the pendency of the writ petition, an amendment was made in the relief portion by seeking a direction upon the Managing Committee in the background that the challenge against the findings of the District Appellate Authority, which are said to have been affirmed or approved by the State Appellate Authority, whereby the termination order is said to have been set aside. Now, the petitioners are legally required to be taken back into service, which exercise having not been carried out by Respondent No. 8, therefore, the Managing Committee may appropriately be directed to carry out the exercise in terms of the order passed by the District Appellate Authority, wherein the order of termination, having been set aside, has attained finality, with such illegal act of the Managing Committee having been noticed by both the authorities of the State Government, where the deprivation of constitutional rights of these petitioners coupled with procedural violations have remained in common.



8. On the other hand, learned counsel representing the Managing Committee may have many things to address, but the submissions of his cannot be accepted, as there has been no opposition to the findings recorded in the order passed by the District Appellate Authority. Since there is no specific challenge made by them to the approval given by the State Appellate Authority, Patna, before this Court or any other forum, and further, the counsel relies only on the fact that the order of the Director, Secondary Education, has been set aside by a coordinate Bench and the grievances stood redressed, while the independent findings of the District Appellate Authority remains unchallenged. The termination order of these petitioners has since been set aside based on those findings, and there has been no specific challenge to the order passed by the State Appellate Authority, affirming the order of the District Appellate Authority, except giving interference to the fact that there was no justification or occasion for the District Appellate Authority to confirm the order of the Director, Secondary Education, whereas, the rejection of the appeal preferred by the Managing Committee has been found to be justified. The stand of the Managing Committee, that their grievances stand redressed with the operative portion of the order, insofar the reference of the



order of the Director, Secondary Education, made in the District Appellate Authority order's is concerned, which having been set aside by the coordinate Bench, may not absolve them from the responsibility of reinstating these petitioners and providing them with their service dues to which they are entitled, as the termination order passed against the petitioners was found illegal and the State Appellate Authority has not interfered with such findings.

9. At this stage, learned counsel for the State by referring to the order as contained in Annexure-R/B of the counter affidavit filed on behalf of the respondent nos.2 and 3, submits that in compliance of the order passed by the District Appellate Authority and the manner in which the Managing Committee had terminated the services of the teachers who were employed in the said school and managing the affairs of the school, the necessary orders are said to have been passed at the level of Additional Chief Secretary, which is contained in Memo No.563 dated 09.03.2019, wherein it has categorically recorded a finding to the effect that since members of Managing Committee are mis-utilizing the funds, which are being released for ensuring smooth imparting of education to the students, which is not being carried out in right perspective, further



grants-in-aid were stopped and an enquiry was directed to be set up. The Bihar School Examination Board, Patna, was also requested to take appropriate steps regarding the cancellation of affiliation granted to the institution in question. The arbitrary acts of the Managing Committee are referred to in the order of the Director, Secondary Education, which, although been set aside on jurisdictional grounds, were noted by the District Appellate Authority and relied upon by the Additional Chief Secretary, Department of Education, in Memo No. 563 dated 09.03.2019. However, such reference may not have been very essential, as there was an independent finding rendered by the District Appellate Authority that the termination orders of the petitioners are illegal and unsustainable in law, as indicated in the preceding paragraphs, which has been approved by the State Appellate Authority.

10. Considering the submission of the parties, this Court finds that since the termination of the services of these petitioners from the school in question has already been set aside and the said order has attained finality and there has been no challenge by the Managing Committee of the School of the order passed by the District Appellate Authority and State Appellate Authority, they are bound to comply the directions issued by the authorities, which is created under the Statute for



addressing the grievances of such nature and since the forum which is created under the Statute has already adjudicated and held the order to be bad in law, the Managing Committee is under legal obligation to bring such order to its logical end by complying the same, for which this Court directs that the Managing Committee would take all necessary steps to comply the said order within a period of eight weeks from the date of receipt of this order and if the petitioners are found entitled to any benefits the same shall also be extended.

11. On adjudication, the benefits for which the petitioners are found entitled on reinstatement, the same shall be made from the funds which has already been released in their favour, which consideration shall be also made within the same period.

12. With the aforesaid observations and direction, the instant writ application stands disposed of.

(Ajit Kumar, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.01.2026
Transmission Date	NA

