

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3878 of 2025

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Sharad Kumar Mishra S/o Birendra Mishra, resident of Vill. and P.O. Darauli,
District - Siwan, Bihar - 841234, presently posted as Block Teacher,
Upgraded Middle School, Pachauli, Block Palasi, Dist Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Education Officer, Araria.
5. The District Program Officer (Estd), Araria.
6. The Block Development Officer, Palasi-cum-Member Secretary, Block Teachers Appointment Committee, Block - Palasi, Araria.
7. The Block Education Officer, Block - Palasi, Araria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10256 of 2025

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Sharad Kumar Mishra S/o Birendra Mishra, Resident of Vill and P.O. Darauli,
District-Siwan, Bihar-841234.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Primary Education, Government of Bihar, Patna.
2. The Director, Primary Education, Education, Department, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. Distirct Education Officer, Araria.
5. District Programme Officer (Establishment), Araria
6. The Block Development Officer, Palasi-Cum-Member Secretary, Block Teachers Appointment Committee, Block-Palasi, Dist.-Araria
7. The Block Education Officer, Block-Palasi, Dist.-Araria.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 3878 of 2025)

For the Petitioner/s : Mr.Nikhil Kumar Agrawal, Adv.
Mrs. Aditi Hansaria, Adv.



For the Respondent/s : Mr. Keshav Bhardwaj, Adv.
Mr.Standing Counsel (28)
(In Civil Writ Jurisdiction Case No. 10256 of 2025)
For the Petitioner/s : Mr.Nikhil Kumar Agrawal, Adv.
Mrs. Aditi Hansaria, Adv.
For the Respondent/s : Mr. Keshav Bhardwaj, Adv.
Mr.Government Advocate (09)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 05-05-2026 **C.W.J.C. No. 3878 of 2025**

Heard the parties.

2. This writ application has been filed praying for commanding the respondents to release the salary of the petitioner from June 2024 onwards, which as per the petitioner had been illegally withheld by the respondents.

3. During the pendency of this writ application an order dated 27.06.2025/ 09.06.2025 has come to be passed in Case No. Appeal T-184/2024 by the said State Appellate Authority by which the appointment of the petitioner has been held to be illegal and fraudulent, thus cancelling his appointment from the date of appointment itself. Observation has also been made in the said order that the petitioner will be removed from service within a fortnight of the said order.

4. This order dated 27.06.2025/09.06.2025 passed in Case No. Appeal T-184/2024 has been challenged by the petitioner by filing C.W.J.C. No. 10256 of 2025.

5. On account of the aforesaid development, learned



counsel for the petitioner submits that he may be permitted to withdraw this writ application with liberty to claim similar relief in C.W.J.C. No.10256 of 2025, by filing an interlocutory application.

6. Learned counsel appearing for respondent-State does not have any objection to the submission made by learned counsel for the petitioner.

7. As prayed for, this writ application is permitted to be withdrawn with liberty as aforesaid.

C.W.J.C. No.10256 of 2025

8. In this writ application the petitioner has challenged the order dated 09.06.2025 (Annexure- P/31) passed in Case No. Appeal T-184/2024 by the learned State Appellate Authority, Education Department, Bihar by which the petitioner's appointment has been found to be illegal and fraudulent, thereby cancelling the said appointment from the date of appointment itself and Observation-cum-direction has also been given to remove the petitioner from service within a fortnight of passing of the said order.

9. However, despite direction to remove the petitioner from service within a fortnight of passing the impugned order dated 27.06.2025/ 09.06.2025, the petitioner submits that the



petitioner is continuing to be in service and working because till date the directive given in the impugned order has not been carried out by terminating the service of the petitioner.

10. Pleadings are complete in this matter.

11. Put up this case on 30.06.2025 at 3:00 P.M.

12. If the petitioner has not been terminated and is still in service and working, then status quo existing as on today shall be maintained by the parties.

(Alok Kumar Sinha, J)

Prakash Narayan

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