

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.422 of 2024

In
Civil Writ Jurisdiction Case No.13156 of 2015

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1. Raj Kishor Mandal S/o Late Roshan Lal Mandal @ Roshan Mandal Resident of Village- Sarapur, P.S. Kursakanta, District- Araria.
 2. Kanhaiya, S/o- Padma Nand Jha Resident of village- Kothapur, P.S. Kursakanta, District- Araria.
 3. Vikash Kumar Sukla, S/o Jiwa Nand Sukla Resident of Village- Sijwa, P.S. Kursakanta, District- Araria.
 4. Kumari Ranjana, D/o Sri Umesh Chandra Singh Resident of Village- Khuthara, P.S. Kursakanta, District- Araria
 5. Raj Kumar Sah, S/o Dukhi Prasad Sah Resident of Rajoula, P.S. Godan, District- Araria.
 6. Diwakar Kumar Sah, S/o Jagdish Sah Resident of Village- Madhubani, P.S. Kuwari, District- Araria.
 7. Ram Narain Singh, S/o Sri Ganesh Lal Singh Resident of Village- Shishawari, P.S. Kursakanta, District- Araria.
 8. Abdul Rasid, S/o Md. Abid Hussain resident of village- Gariya, P.S. Kursakanta, District- Araria.
 9. Gauri Kumari, D/o Dukhai Prasad Sah Resident of Village- Rajamla, P.S. Godam, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Education Officer, Araria.
5. The District Superintendent of Education, Araria.
6. The Block Education Officer-cum-Member Secretary, Block Shikshak Appointment Committee, Block- Kursaknanta, District- Araria.
7. The Block Development Officer, Kursakanta Block, District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kishore Bharti, Advocate
For the Respondent/s : Mr. Additional Advocate General 13



CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 05-02-2026

Heard learned counsels for the parties.

Re: I.A. No. 01 of 2024

2. Learned counsel for the appellants presses I.A. No. 01 of 2024 for condoning the delay of 42 days in preferring this appeal.

3. For the reasons stated in the application, the delay in preferring this appeal is condoned.

4. I.A. No. 01 of 2024 stands allowed.

Re: L.P.A No.422 of 2024

5. The present *intra* court appeal has been preferred by the appellants against the judgment dated 06.02.2024 passed by the learned Single Judge in C.W.J.C. No.13156 of 2015, whereby the writ petition filed by the appellants was dismissed.

6. In the writ application, the appellants/petitioners had sought the following reliefs:-

"That this writ application is being filed for issuance of appropriate writ/s, order/s or direction/s commanding upon the respondents to reinstate the petitioners on the post of Assistant Teachers(Physical) in



Kurshakanta Block."

7. The brief facts giving rise to the present appeal are that pursuant to an advertisement published in the Hindi daily newspaper "Hindustan" in the year 2008, the appellants applied for appointment on the post of Assistant Teachers (Physical). A merit-list was prepared by the competent authority and the appellants were selected and appointed. Accordingly, they joined their respective posts on 12.08.2010. The joining letters have been brought on record as Annexure-3 series to the writ application. Upon joining, the appellants were directed to produce their educational certificates, and thereafter, the appellants discharged their duties. The appellants were also deputed for training conducted by the Prakhanda Sansadhan Kendra, Araria. After about five years, the Education Department, Government of Bihar initiated an inquiry pursuant to directions of the Hon'ble High Court regarding the genuineness of educational certificates and directed the concerned teachers to resign voluntarily and immediately, failing which recovery of the entire salary would be made. Pursuant to this the appellants submitted their resignation to the Block Development Officer-cum-Secretary, Teachers Employment Committee, Kursakanta.



8. Learned counsel for the appellants submits that learned Single Judge erred in overlooking the fact that the joining of the appellants was duly accepted by the respondent authorities after verification of their educational certificates. After joining, the appellants discharged their duties to the satisfaction of the respondent authorities and there were no complaints regarding their performance or conduct. It is further submitted that the appellants were compelled to tender their resignations under threat of recovery of salary and initiation of criminal proceedings, and despite applications being made for withdrawal of resignation, no steps were taken by the respondents. Learned counsel for the appellants also points out that some of the appellants are at the verge of retirement and are rendered ineligible for alternative government employment, and therefore impugned judgment is erroneous in law and on facts and calls for interference by this Court.

9. Learned counsel for the respondents submits that the judgment passed by the learned Single Judge is legal, reasoned and based on due consideration of the facts and materials available on record, and does not suffer from any illegality, infirmity or perversity. It is submitted that mere dissatisfaction with the conclusions drawn by the learned Single



Judge cannot be a ground for interference.

10. The learned Single Judge, upon due consideration of the pleadings and materials available on record, has observed as under:

8. It was consequent thereto that the petitioners herein submitted their resignations and which was accepted.

9. So far as the contention of the petitioners that the resignations were submitted under threat and coercion by the Block Education Officer, Kursakanta, of lodging FIRs against the petitioners is concerned and that the petitioners on the very date of their submitting the resignations had also filed a letter dated 9.7.2015 (Annexure-12) for withdrawal of the same, it is observed that so far as the writ application is concerned, there is no statement in the same that the resignations were submitted under threat and coercion by any authority. It was more than three years of filing the writ application that by filing a second supplementary affidavit on behalf of the petitioners on 13.12.2018 that this stand has been taken by the petitioners for the first time and a letter of withdrawal which was purportedly received by the authority on 9.7.2015 has been brought on record. The said receipt which is an illegible initial of a signature does not inspire confidence of the Court.

10. It would also be relevant to take note of the fact that much prior to filing of the supplementary affidavit, as pointed out by learned counsel for the respondents, that the petitioners filed a representation on 25.10.2016 (Annexure-9) praying for withdrawal of their resignation and there was no statement with respect to threat or coercion by any of the authority even therein. It was clearly stated that it was consequent to the order of the High Court that the resignation letters were submitted in hurry.

11. In view of the facts and circumstances stated herein above, the Court comes to the conclusion



that the petitioners had voluntarily and consciously submitted their resignation and the same having been accepted, there is no error in the same. The Court finds no merit in the writ application and the same is dismissed.”

11. The limited issue that arises for consideration before this Court is whether the judgment dated 06.02.2024 passed by the learned Single Judge in C.W.J.C. No. 13156 of 2015 suffers from any illegality, infirmity or perversity warranting interference by this Court in exercise of its intra-court appellate jurisdiction.

12. We have heard learned counsel for the parties and have perused the impugned judgment passed by the learned Single Judge as well as the materials available on record. On consideration of the same, we find that the learned Single Judge has examined the factual matrix in detail and has arrived on the findings after due appreciation of the pleadings, documents and conduct of the appellants.

13. At the outset, this Court is conscious of the limited scope of interference in an intra-court appeal. Unless the findings recorded by the learned Single Judge are shown to be vitiated by patent illegality, infirmity or perversity on the face of the record, interference by this Court is not warranted merely because an alternative view is possible.

14. In the present case, the principal contention



advanced on behalf of the appellants revolves around the allegation that their resignations were obtained under threat and coercion and that they had sought withdrawal of the same. However, upon independent scrutiny of the record, we find that the learned Single Judge has correctly noted that no such plea of threat or coercion was taken in the original writ application. The said allegation was raised for the first time after a considerable lapse of time by way of a supplementary affidavit, which substantially weakens the credibility of the claim.

15. This Court also finds substance in the reasoning of the learned Single Judge that even in the representation submitted earlier by the appellants seeking withdrawal of resignation, there was no allegation of threat or coercion and, on the contrary, it was stated that the resignations were submitted in haste pursuant to the orders of the High Court. Such conduct of the appellants, viewed cumulatively, supports the conclusion that the resignations were tendered voluntarily and consciously.

16. Further, this Court is of the considered view that once the resignations were voluntarily submitted and duly accepted by the competent authority, the appellants cannot claim reinstatement as a matter of right. The findings recorded by the learned Single Judge are based on appreciation of relevant



documents and surrounding circumstances.

17. In view of the aforesaid discussion, and having independently examined the matter within the confines of intra-court appellate jurisdiction, we are in complete agreement with the conclusions arrived at by the learned Single Judge. This Court does not find any infirmity, illegality or perversity in the impugned judgment dated 06.02.2024 passed in C.W.J.C. No. 13156 of 2015.

18. Accordingly, the present intra court appeal being devoid of merit, stands dismissed.

19. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Suruchi/Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2026
Transmission Date	NA

