

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12258 of 2019

Prabhat Kumar Son of Sheer Puran Chandrika Kumar Resident of Village-
Bagmali, Post Office- Hajipur, P.S.- Hajipur (Town), District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary Department of Education, Govt. of Bihar, Patna.
3. The Additional Secretary Department of Education, Govt. of Bihar, Patna.
4. The Director Primary Education, Department of Education, Govt. of Bihar, Patna.
5. Bihar School Examination Board Through its Secretary, Sinha Library Road, Patna.
6. The Secretary Bihar School Examination Board, Sinha Library Road, Patna.
7. The District Education Officer District- West Champaran, Bettiah.
8. The District Programme Officer (Establishment) District- West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Satish Narain Singh
For the State	:	Mr.Kameshwar Kumar (Gp17)
For the BSEB	:	Mr.P.K.Shahi, Sr. Advocate
		Mr.Gyan Shankar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 13-01-2026 In the instant petition, petitioner has prayed for the
following relief(s):-

“A. To set aside the order contained in Memo no.295 dated 25.02.2019 passed by Additional Chief Secretary, Department of Education, Govt. of Bihar, whereby the representation filed by the petitioner in compliance of order dated 09.04.2018 in C.W.J.C.No.16248 of 2016 passed by



this Hon'ble Court, has not been considered in accordance with the order/direction of this Hon'ble Court and has been rejected in casual manner.

B. To set aside the order contained in Memo no.3315 dated 26.08.2016 passed under the signature of District Education Officer, West Champaran, Betiah by which the service of the petitioner has been terminated.

C. To command and direct the respondents to reinstate the petitioner into the service with continuity and benefits of service and back wages as well.

D. To grant any other relief/reliefs for which the petitioner is found entitled for in the facts and circumstances of the case.”

2. Counsel for the petitioner submits that despite the appointment of this petitioner's having been made on the recommendation of Justice S.K. Chhattopadhyay (Retd.) Commission constituted under the orders of Hon'ble Apex Court for making scrutiny of the documents, and upon acceptance of such report, these appointments were not to be tinkered/interfered by the authorities in any manner. Still their appointments were interfered in the name of verification, which issues have already been adjudicated and put at rest by the Hon'ble Division Bench vide LPA No. 1254 of 2016 and other analogous cases, on the appeal preferred by the State Government, against the judgment rendered in CWJC No. 6753



of 2013. As, the issues have already been adjudicated, and the Hon'ble Division Bench was of the view that the appointment of this petitioner was made as per the direction of Hon'ble Apex Court, after accepting the recommendation of Justice S.K. Chhattopadhyay (Retd.) and they could not been terminated on the grounds of qualification not having been properly verified, unless otherwise permitted by the Hon'ble Apex Court, and since there had been no such liberty restored to the authorities for making such verification under the garb of which, the petitioner and similarly situated persons are said to have been terminated from service and subsequently, were taken back in service under the orders of this Court, but have been denied salary for the period, when these petitioners were forced to remain out of service, while this petitioner was always available to render services to the State Government.

3. Considering the fact that the issues have already been adjudicated by the Hon'ble Division Bench, where the entitlement of salary have also been adjudicated, and various writ petitions filed by the similarly situated persons, have been adjudicated directing the authorities to release salary in favour of the persons, whose terminations were subsequently held to be bad in law, and they have been reinstated and the petitioner



by taking this Court to various office orders passed by the authorities, wherein the similarly situated persons have been allowed salary for the period remained out of service, submits that the petitioner is also entitled to similar benefit. The necessary orders so passed by the authorities are appended with the writ petition as Annexure-11.

4. On the other hand, counsel for the State does not dispute the factual position, and as also, the issues having been put at rest under the orders of Hon'ble Division Bench, and also directions were issued by the Co-ordinate Bench, for directing the authorities to make payment for the period, the teachers were forced to remain out of job.

5. In view of the fact that authorities are taking discriminatory stand in the case of this petitioner, this Court has no option but to direct the Respondent No. 8 – District Programme Officer (Estb.), West Champaran, Bettiah, to adjudicate the claim of this petitioner after verifying from the records the *bona fide* and as also the entitlement at par with other similarly situated person, in whose favour the salary has been allowed, upon filing of representation, which would be made by this petitioner appending all necessary documents for adjudication, of his claim of salary, within a period of four



weeks' from today, and on filing of such representation necessary orders shall be passed within in a period of eight weeks, and on adjudication, if the petitioner is found entitled for salary in similar terms the same shall be entitled to the petitioner within the same time.

6. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

abhishekk/-

U			
---	--	--	--

