

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20152 of 2021

Abhimanyu Prasad Singh Son of Late Karo Singh, Resident of Village - Dhurgaon ward no. 4, P.S.- Ekangarsarai, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The Regional Deputy Director of Education, Saran Division, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bajarangi Lal
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL JUDGMENT

Date : 06-01-2026

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

“(i) for setting aside the office order contained in Memo no.840 dated 12.07.2021 passed by the Regional Deputy Director of Education, Patna Division, Patna where under and whereby the petitioner who was working as Assistant Teacher in Gov-ernment Basic School, Parthu, Makhdumpur, District-Na-landa has been terminated from service.

(ii) Further for a direction to the respondents to reinstate the petitioner in service from the date of termination and his ser-vices may be treated in continuation with all consequential benefits of service including payment of salary and post-re-tirement benefits along with other monetary benefits together with statutory and penal interest.



(iii) For any other relief/ reliefs to which the petitioner is entitled in the facts and circumstances of the present case.”

2. Counsel for the petitioner by taking this Court to the judgment rendered by Hon’ble Division Bench in LPA No. 109 of 2018 and its analogous cases, which was heard on 12.07.2019, arising out of the order of termination from the post of Assistant Teacher for which several writ petitions including a writ petition being CWJC No. 19509 of 2015, which was filed by the petitioner before this Court, said to have been decided analogous on 13.04.2017, wherein the judgment of Hon’ble Single Judge was interfered by noting that the Single Judge had found that there was a procedural violation and instead remitting back the matter to the authorities to examine on fact, had passed an order finding inability to uphold the order of termination. Consequently, the services of all the petitioners were restored, and while restoring the services of all the petitioners, the Hon’ble Single Judge had recorded a finding to the effect that since there are no supportive evidence to support the charges, therefore, the conclusion is based on no evidence. The Hon’ble Division Bench, considering such findings to be bad in law, remanded the matter for fresh consideration by the authorities. The relevant extract of the order



passed by the Hon'ble Division Bench in LPA No. 109 of 2018, is extracted herein below:-

“23. The argument of the respondent-petitioners is that if the entire merit list is re-looked into as directed in the judgment dated 25.07.2012 it is quite possible that even with the correct marks the respondent-petitioners would succeed in getting selected. This exercise according to them has not been undertaken and which we find is not in accordance with the directions issued by this Court or the rules of inquiry. The procedure appears to have been violated, inasmuch as, the respondent-petitioners were admittedly not given a complete copy of the Inquiry Report and the second show-cause notice only mentioned a gist of the charges that were found to be proved. In a couple of cases notices were not properly served. The appellants should have been provided the complete copy of the Inquiry Report relating to each of the candidates in order to enable them to set up their defence. The final authority that has proceeded to terminate the services of the respondent-petitioners ought to have been more specific about the involvement of the respondent-petitioners when the charge was one of alleged manipulation. The reason also, to establish the nexus of the respondent-petitioners with the Officers of the Department, has to be recorded on the basis of evidence by passing a speaking order. This was necessary in order to find out the involvement of the respondent-petitioners. Consequently, the procedure having been violated, the findings arrived at with regard to the correctness or otherwise of the merit position of the respondent-petitioners cannot be said to be wrong in its entirety unless it can be shown that all the respondent-petitioners would fall outside the limit of 150 posts against which employment had been sought.



24. Accordingly to our mind, once the learned Single Judge was of the opinion that there was a procedural violation, then in that event, the matter ought to have been remitted back to the same authority to examine the facts as alleged by the respondent-petitioners after providing the documents that were relevant namely the Inquiry Report and the letters of appointment etc. before proceeding to terminate the services of the respondent-petitioners.

25. In the light of above, we agree with the findings of the learned Single Judge that there were procedural violations, but in view of the fact that the respondent-petitioners were beneficiaries of a selection on account of incorrect depiction of marks, the authorities ought to have put the respondent-petitioners to notice about such facts including the Inquiry Report before having proceeded to terminate their services. The appeals are, therefore, disposed of by modifying the order of the learned Single Judge to the effect that the appellants shall now afford a fresh opportunity to the respondent-petitioners to give a reply to all the allegations after supplying them a copy of the Inquiry Report by giving a fresh show cause notice and any other available relevant document and then pass appropriate orders after considering the reply of the respondent-petitioners in accordance with law within a reasonable time.”

3. From the above, it is evident that the matters were remitted back to the authorities for fresh consideration by providing fresh opportunity to the respondents-petitioners to file reply to the allegations, which are levelled against them and consider their matter afresh. It has next been submitted that appeals preferred before the authorities, in the light of the order



passed in the LPA No. 109 of 2018 is still pending for consideration, while in the case of other similarly situated persons their appeals have been decided, and to buttress his submission, the orders passed have also been appended with the supplementary affidavit as Annexure-P/19, 20 & 21.

4. Counsel for the petitioner further submits that since the case of this petitioner is also similar to those, whose appeals have already been adjudicated and this petitioner is said to have also filed similar appeal before the concerned authorities, therefore, he prays that the appeal, which has been filed by the petitioner, may also be directed to be considered in similar terms.

5. Counsel for the State has no objection, if such directions are issued to the authorities concerned, where the appeal is pending, to adjudicate the same by fixing timeline.

6. Considering the fact that similar appeals, which were filed pursuant to the order passed by the Hon'ble Division Bench, have already been adjudicated, the case of this petitioner is also similar to those appellants in which orders have been already recorded, which is appended with the supplementary affidavit filed in this case as Annexure-P/19 to 21. This Court finds it appropriate to direct, Director, Primary Education to adjudicate the appeal of the petitioner strictly in consonance with the directions, issued by



the Hon’ble Division Bench and also in similar terms, in the event, the case of this petitioner is also found to fall within the same parameters.

7. Accordingly, the Director, Primary Education is directed to decide the appeal, which has already been filed by this petitioner on 02.08.2021 within a period of eight weeks’ from today.

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

(Ajit Kumar, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2026
Transmission Date	NA

