

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15446 of 2023

1. Nagendra Kumar Pathak son of late Yamuna Pathak, Residence of Village-Barwan, P.O. -Asaon, P.S.Andar, District- Siwan, Pin Code-841287.
2. Mithileshwar Prasad Singh, son of late Harihar Prasad Singh, resident of Village- Dhariyara Sonpur P.S.- Sonpur District- Saran, Pin Code-841247.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Siwan
4. The District Education Officer, Siwan.
5. The District Programme Officer, (Establishment) Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate
For the Respondent/s : Mr. Prabhakar Jha (Gp 27)
Mr. Umesh Narayan Dubey, AC to GP- 27

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 24-06-2025

Heard learned counsel for the parties.

2. This writ petition has been filed challenging the communication made vide Memo No. 1073 dated 30.12.2015 by the District Education Officer, Siwan, whereby, both the writ petitioners' services as Assistant Teacher has been terminated. The petitioners have prayed for a direction to the respondent authorities to make payment of arrears of salary on and from the date of termination i.e., 30.12.2015 till the date of their reinstatement in service by setting aside the order of termination.



3. The primary ground of challenge to the termination order is that the petitioners are the part of 34,540 appointed teachers, which have been directed by the Hon'ble Supreme Court not to disturb their appointments in the order passed on 18.07.2013 in SLP (Civil) No. 26824 of 2012. The petitioners accordingly contend that the impugned termination order was issued in violation of the direction passed by the Hon'ble Supreme Court in the SLP mentioned above.

4. No counter affidavits have been filed by any of the respondents.

5. However, learned counsel for the State - Mr. Umesh Narayan Dubey, AC to GP- 27 has conceded the contention of the petitioners that they were part of 34,540 teachers, whose appointments have been protected by the order of the Hon'ble Supreme Court, referred to hereinabove and therefore, the respondent authorities could not have terminated the services of the petitioners by the impugned order mentioned above.

6. In view of the concession made by the learned counsel for the State that the contention of the petitioners are correct; and that the petitioners were part of the 34,540 teachers, whose appointments have been protected by the Hon'ble Supreme Court by an order dated 18.07.2013 passed in SLP (Civil) No.



26824 of 2012, this writ petition is hereby allowed by setting aside the Memo No. 1073 dated 30.12.2015, issued by the District Education Officer, Siwan whereby the services of the petitioners as Assistant Teachers have been terminated

7. Accordingly, the petitioners shall be reinstated in the service with all consequential benefits.

8. The writ petition stands disposed off.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2025
Transmission Date	NA

