

C.H-9  
13/12

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C.No. \_\_\_\_\_ of 2012.

In the matter of an application  
under Article 226 of the  
Constitution of India ;

And

In the matter of :

Md. Moin Uddin son of Md. Jahir Uddin resident of village-  
Roshna P.O. Ararghat P. S. Gwalpara District. Madhepura.

\*\*\*                      \*\*\*                      Petitioner.

- versus -

1. The States of Bihar through the Principal secretary  
Education Department Vikash Bhawan Patna.
2. The principal Secretary, Education Department Govt. of  
Bihar Vikash Bhawan Patna.
3. The Joint secretary, Education Department Govt of Bihar  
Vikash Bhawan Patna.
4. The Director Primary Education Govt. of Bihar Patna.
5. The District Education Officer, Madhepura District.

Madhepara.

6. The Block Education Intention Officer, Madhepara Block

District-Madhepara.

7 The Head Master, Up Graded middle School Chakla, Madhepara.

...

...

Respondents.

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

(Civil Writ Jurisdiction)

C.W.J.C.No. \_\_\_\_\_ of 2012,

Md.Moin Uddin. ... Petitioner.

- Versus -

the State of Bihar & others. ... Respondents.

§ - SYNOPSIS -

**RELIEFS :** (I) For quashing the order dt. 6.5.12 contained in memo no.1391 issued by the District Education Officer Madhepura whereby and where under the petitioner was dismissed from service with immediate effect without any show-cause and for a direction to them reinstate the petitioner in the service with back wages.

(II) For any other necessary relief(s) for which he may found fit in accordance with law.

Facts of the Case :

<u>Sl.No.</u>	<u>Date</u>	<u>Events</u>	<u>Annexure</u>
1.	13.10.11	The respondent have prepared a list for appointment of Assistant teacher for fill up 34,540 post of trained teachers, which was examined by the special Officer appointed by the Apex Court and the said was filed before the Apex court in compliance of judicial order in Contempt petition(C) no.297/07 which was by the Apex court in which name of the petitioner has found place at sl no.33707,	...
2.	15.2.12	The petitioner was appointed vide memo no.	...

3. 8 16.3.12 The petitioner has submitted his joining  
& 19.3. which was accepted and necessary communication  
has been issued by the Block Education Extension  
Officer vide memo no.338. ... 3, & 3/A.
4. 6.6.12 The District Education Officer Madhepura vide  
order contained in memo no.1391 terminate the  
service of the petitioner without any show-cause  
without any notice. ... 4
5. 19.5.12 The joint secretary Education Deptt. has issued  
order contained in memo no.322 stating their in  
that the appointment cannot be made on the post  
of assistant teacher on the basis of the certifi-  
cate granted by Gandhi Hindi Vidyapith Allahabad.  
Stdx in this order no where it has been stated  
that clarification has been made by the apex  
court and the order contained in memo no.42  
issued by the Principal Secretary Education  
Department. ... 6

Hence this writ application.

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C.No. \_\_\_\_\_ of 2012.

Md. Moin Uddin. ... .. petitioner.

- versus -

The state of Bihar & others. ... .. respondent s.

sub.: Termination, school  
service non-gazatted ;

- I N D E X -

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
1.	An application under Article 226 of the Constitution of India with Affidavit.	1 -14.
2.	Annexure-1 : A photocopy of the order dt. (Contempt Petition C) passed in W.J.C.No.297/07	15 - 21
3.	Annexure-2 : A photocopy of the memo no.726 dt 15.2.12.	22- 2
4.	Annexure-3 : A photocopy of joining letter and & 3/a : memo no.338 dt.19.3.12.	23-24
5.	Annexure-4 : A photocopy of memo no.1391 dt. 6.6.12.	25
6.	Annexure-5 : A photocopy of memo no.322 dt.09.26-27 5.12.	27
7.	Vakalatnama.	

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**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**(Civil Writ Jurisdiction)**

**C.W.J.C.No. \_\_\_\_\_ of 2012.**

**In the matter of an application  
under Article 226 of the  
Constitution of India ;**

**And**

**In the matter of :**

**Ms. Moïn Uddin son of Ms. Jahir Uddin resident of village.  
Nashna, P.O. Azarghat, P.S. Gwalpara District-Machopura.**

**... .. PETITIONER.**

**- Versus -**

- 1. The State of Bihar through the Principal secretary  
Education Department Vikash Bhawan Patna.**
- 2. The Principal Secretary, Education Department Govt. of Bihar  
Vikash Bhawan Patna.**
- 3. The Joint Secretary, Education Department Govt. of Bihar  
Vikash Bhawan Patna.**
- 4. The Director Primary Education Govt. of Bihar Patna.**

6. The District Education Officer Madhepura District-  
Madhepura.

6. The Block Education Extension Officer, Madhepura Block  
District- Madhepura. ... .. Respondents.

7. The Head Master, up graded middle school, Chakla, Madhepura

TO

— Respondents

The Hon'ble Mr. Nripendra K. Doshi the Chief Justice of  
the High Court of Judicature at Patna and her  
companion Justices of the said Hon'ble Court.

The humble petition on behalf  
of the petitioner above named.

Respectfully sheweth :

1. That the present writ petition is being preferred  
for quashing the order passed by the District Education  
Officer Madhepura as contained in memo no. 1391 dt, 6.8.  
12 whereby and where under the petitioner was dismissed  
from service with the immediate effect without holding  
the regular proceeding or even without the show-cause  
and reasonable opportunity of hearing to defend his  
case and show bonafide taking into consideration the  
facts that requirement of natural justice has not been  
follow as well as obligation arise upon them under

Article 311(2) of the Constitution of India as well as further prayer with respect to reinstatement in service with full back wages and for other necessary relief(s) for which he may find fit in accordance with law 3.

2. That the substantial questions of law involved in the present writ application are as follows :

(i) whether the respondent authority have fail to appreciate that by virtue of appointment and acceptance of joining against the respective post of Assistant teacher the right of hearing accrued in his favour ?

(ii) whether the authority concerned had fail to appreciate that the petitioner was appointed in terms of different order passed by the Apex court under *(Contempt Petition)* the different orders/proceeding including M.F.C.No. 297/07 and as such any interference by the authority will amount to be the violation of judicial verdict ?

(iii) whether the authority concerned has fail to appreciate that in terms of different orders passed by the Apex Court, session wise integrated seniority list was prepared by them in which name of the petitioner has found place *at SL.No 33707* and subsequently verified



and approved by the special officer appointed by the Apex Court, while notwithstanding, the said appointment letter has been issued ?

(iv) Whether the authority have fail to appreciated that seniority/merit list was prepared and submitted by them before the apex court in compliance of the judicial verdict and in its course the said seniority list was upheld by the apex court and directed with respect to appointment from the said list and to comply the judicial order including the contempt proceeding ?

(v) Whether the authority have fail to appreciate that from perusal of the appointment letter it appears that he was appointed in compliance of the contempt case no. <sup>Petition (C)</sup> 287/07, under the provision of Bihar Special Elementary Teacher Recruitment rule 2010 and Department letter no. 41 however the order of dismissal was passed without seeking any clarification in the final order which is already taken its finality within the parties shall be gross contempt in the order of Apex Court ?

(vi) Whether the communication made by the Joint Secretary Education Deptt. Govt of Bihar contained in

memo no. 322 dt.9.5.12 shall be given effect with retrospective dates and right conferred by the judicial verdict, of provisions/rule and letter issued by the Principal secretary shall cancelled even without show-cause ?

(vii) Whether the authority have fail to appreciate that under the Transfer and Disciplinary rule 2002 communicated under notification no.540 dt.M. 4.2002 the District Education Officer is no authority under the law either to initiate a departmental proceeding or to impose the major punishment to the teacher working in elementary school ?

(viii) Whether the order passed by the District Education Officer Madhepura as stated above is unwarranted rather the same is without jurisdiction also because the name of the petitioner has found place in the seniority list submitted by the Dept. <sup>at Sl. No. 33707</sup> as well as District list <sup>at Sl. No. 3d(urdu)</sup> prepared by them ?

(ix) Whether the action of the respondents are mala fide arbitrary without jurisdiction and abuse of power vested in them ?

(x) Whether the order of the authority concerned is other wise bad in law and it requires interference and

quashing the order under challenge in this case and  
reinstating him in the service with back wages ?

3. That the petitioner is a citizen of India and he is  
residing within the territorial jurisdiction of this Hon'ble  
Court.

4. That it is stated that the State Govt. has decided to  
fill up the post of an assistant teacher ~~historically~~  
34,540 in compliance of the judicial verdict passed by  
the Apex court in case of ~~Mad~~ Kishore Gha and other. In  
this regard rule was enacted and application were call up  
having the qualification of Teacher's training under  
Advertisement no. 210/10.

5. That it is stated that the petitioner and others  
having requisite qualification had filled up the applicati-  
-on alongwith testimonials and others required paper ~~was~~  
before the competent authority. It is also submitted that  
after proper verification session wise integrated senior-  
ity list was prepared in respect of the advertisement no  
210/10. It is submitted that in pursuant to the direction  
*Contempt Petition (C)*  
issued by the Apex court under ~~N. J. O. No. 297/07~~ the  
dispute with respect to seniority, correctness or age

any defect were placed and duly consider by the special officer appointed for the said purpose. It is further submitted that after settlement the penal was prepared by the respondents and were place before the apex court in which name of the petitioner has also found place which was accepted by the apex court and <sup>at SLN= 337=7</sup> ~~the~~ <sup>Apex Court has</sup> ~~directed~~ them ~~for~~ appointment from the said list vide order dt. 13.10.11 and the contempt proceeding was concluded finally.

A photocopy of the order dt. 13.10.11 <sup>Contempt Case no.</sup> passed in M.J.C.No. 297/07 is annexed as Annexure-1 to this application.

6. That it is stated that the respondents after completing <sup>Madhepura and SLN 30 (Order)</sup> the legal process under the law allotted the District to the petitioner and on or after verification of relevant papers including testimonials he was appointed vide memo no. 726 dt. 15.2.12 issued by the District Education Officer Madhepura. The letter of appointment itself reflect that the appointment letter was issued in breach of the order in contempt proceeding provision of rule 2010 and Deptt letter no. 41.

A photocopy of memo no.726 dt.16.2.12  
is annexed as Annexure-2 to this  
application.

7. That it is stated that the petitioner was posted in  
Upgraded Middle school Chakia, Madhepura Block District-  
Madhepura and on that basis he has submitted his joining  
before the Headmaster Upgraded Middle school Chakia Madhepur  
-a on 20.2.12 which was accepted and allow to perform his  
duty and necessary communication has also issued by the  
Block Education Attention Officer Madhepura vide memo no.338  
dt.19.3.12, thereafter he has performed his duty with best of  
his ability.

A photocopy of joining letter  
and memo no.338 dt.19.3.12 are  
annexed as Annexure-3, 3/A to  
this application.

8. That it is stated that the District Education Officer  
Madhepura has committed serious error of record and wrong  
while dismissing the petitioner from service with immediate  
effect vide order contained in memo no.1391 dt.6.6.12  
even without show-cause and providing proper opportunity

of hearing which is the basic and elementary law.

A photocopy of memo no 1391 dt.

G.S.12 is annexed as Annexure-4 to this application.

9. That once the State Govt. has decided to fill up the post of an assistant teacher numerically 36,540 in compliance of the judicial verdict as stated above and in the said list the name of the petitioner has found place at sl. 33707 which was considered by the Special Officer approved by the Apex Court then the District Education Officer has got no power to dismiss him from service without permission of the Apex Court.

10. That once the seniority list prepared by the respondents has been examined by the Special Officer, thereafter the said list was filed by the State Govt. in compliance of judicial verdict which is accepted by the Apex Court and it was directed then to appoint only on the basis of the aforesaid list and his name has found place at sl. no. 33707 <sup>District list Sl. No 30 (Urdu)</sup> then without permission of the Apex Court the District Education Officer has got no power to dismiss

11. That as per Bihar Taken over Elementary rule 2002 full fledged departmental proceeding may be required in

case of dismissal. In this connection it is relevant to state that rule 20 deals the issue of suspension and departmental proceeding. It is has been clarified that the Deputy Development Commissioner - cum - Executive Officer on report of District Superintendent of Education place the teacher under suspension and initiated a departmental proceeding against him and in case of major punishment second show-cause may be given thereafter decision may be taken by the District Education Establishment Committee, but in case of the petitioner neither the procedure has been follow nor decision of dismissal has been taken by the District Education Establishment Committee Madhepura so the order of the District Education Officer Madhepur is without jurisdiction and same is fit to be quashed by this Hon'ble Court.

12. That it is stated that the Joint Secretary Education Deptt. has issued order contained in memo no. 322 dt. 19.5.12 indicating that the appointment cannot be made on the post of assistant teacher on the basis of the certificate granted by Gandhi Hindi Vidyapith Allahabad. It is submitted that the said communication cannot be given effect with respect to benefit already accrued under the

Previous decision, rule, judicial verdict may not withdraw.

It is also submitted that in the said communication neither it has been stated that the appointment which has already been made on the basis of the aforesaid certificate may be cancelled nor the order contained in memo no.41 issued by the Principal secretary Education Deptt. has been modified.

It is submitted that on the basis of the order contained in memo no.322 dt.19.5.12 dismissal order of the petitioner was issued by the District Education Officer Madhepura is also not sustainable in law and is fit to be quashed by this Hon'ble Court.

A photocopy of memo no.322 dt.19.5.12 is annexed as Annexure-5 to this application.

13. That from the facts as stated above it appears that although the petitioner was appointed in compliance of judicial order, in breach of the provision under rule 2010, and Deptt. letter no.42, however the order under challenged was passed behind the back without observing the principle of natural justice under Article 311(2) of the



Constitution of India as well as without leave from the Apex Court for interference in order of the Apex Court. In the said background the order of dismissal of the petitioner as contained in memo no. 1391 dt. 6.6.12 issued by the District Education Officer Madhepura is fit to be quashed by this Hon'ble Court.

14. That the petitioner has got no other alternative or efficacious remedy other than to move before this Hon'ble Court for redressal of his grievances.

15. That the petitioner has not filed any application earlier like the present one before this Hon'ble Court.

It is therefore, prayed that your Lordships may graciously be pleased to issue rule NISI calling upon the respondents with show-cause as to why this writ application be not admitted or disposed of at the time of admission stage itself and after return of the rule and hearing the parties if no sufficient ground may be shown-make the rule absolute and allow the prayer made in para no.1 to this writ application .

and/or

May pass such other order(s) as your Lordships may  
deem fit and proper,

And for this the petitioner shall ever pray.

- Affidavit -

I, Madheia Uddin aged about 41 years son of Md. Jahir Uddin resident of village-Rashna, P.O. Ararhat, P.S. Gwalpara District-Madhepura do hereby solemnly affirm and state as follows :

1. That I am the petitioner in this case and as such I am well acquainted with the facts and circumstances of the case

2. That the contents of this application has been read over and explain to me in Hindi which I have fully understood and the statements made in para nos. 3, 4, 9 to 14, 13 to 15 - are true to my knowledge and those statements made in para nos. 5 to 8, 12 - are based on information derived from the relevant records of the case which may also be true and the rests are by way of submission before this Hon'ble Court.

3. That the annexures are photo copies of their originals

CP NO.297/07

Annexure-1

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FORM NO.301

FORMET 2011

SECTION XVI

FEDERAL GOVERNMENT OF INDIA  
DEPT. OF PROCEEDINGS

CONFLICT PETITION (C) NO.127/2007 IN SLP(C) NO.22884/2004

NAME KUSUMI GUHA

Petitioner(s)

VERSUS

ANJANI KUMAR SINGH

Respondent(s)

(We apply) for bringing on record the additional facts and allegations and impleadment and intervention/impleadment and impleadment as petitioner and setting aside order dated 17.6.2011 passed by the Sd. Special Officer Sh. S.K. Chattopadhyaya, Former Judge & for clarifying the order dated 12.05.2011 passed by this Hon'ble Court  
(For final disposal)

Date: 13/10/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)

IA 343, 385, 388,  
411, 446, 447, 451,  
453, 458, 461, 502,  
507, 509, 515, 516,  
518, 520, 522, 523,  
540 & 637-639

Mr. Rakesh Uttamchandra Upadhyay, AOR  
Ms. Aarti Upadhyay, Adv.

For Respondent(s)

Mr. Kailash Vasdev, Sr. Adv.  
Mr. Manish Kumar, Adv.  
Mr. Gopal Singh, AOR

Mr. S.B. Sanyal, Sr. Adv.

IA NOS.390-393,437  
446,537,558 & 619,

Mr. N.N. Jha, Adv.  
Mr. Ashok K. Sharma, Adv.  
Mr. D.K. Mishra, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

CP NO.297/07

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IN IA 3, 385,  
415-425

Mr. Vishnu Sharma, AOR  
Ms. Anupama Sharma, Adv.  
Mr. Amar Jyoti Sharma, Adv.

Mr. Anil Kumar Tandale, AOR

Mr. Shantanu Sagar, Adv.  
Mr. T. Mahipal, AOR

IA 397,398,436,442,  
452/09

Mr. Yugal Kishore Prasad, Adv.  
Mr. Sunil Kumar Verma, AOR

IA No.399/09

Ms. Vandana Sharma, Adv.  
Mr. Mahmood Alam, Adv.  
Ms. Aruna Gupta, AOR

Mr. S.K. Sinha, AOR

IA 657,658,659 of  
661/11

Mr. Sridhar Potaraju, AOR  
Mr. Kailash Pandey, Adv.  
Mr. Gaichu. Li, Adv.  
Mr. Ranjeet Singh, Adv.

Mr. Prakash Kumar Singh, AOR

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IN IA 404, 405,  
433, 434

Mr. Vijay Kumar, Adv.  
Mr. Pankaj Kumar, Adv.  
Mr. Vishwajit Singh, AOR  
  
Mr. Rajiv Shankar Dvivedi, AOR

IA 407, 428, 433,  
444

Mr. Sharad Pandey, Adv.  
Mr. M.M. Singh, Adv.  
Mr. S.K. Singh, Adv.  
Mr. Dharmendra Kumar Sinha, Adv.  
  
Mr. Brahmabati Mishra, Adv.  
Mr. Akshay Chakia, Adv.  
Mr. Ratan Kumar Choudhuri, AOR

IA 605, 621, 656,  
666 & 410

Mr. Manoranjan Kr. Jha, Adv.  
Mr. Pradeep Kar, Adv.  
Mr. Turgesh Pandey, Adv.  
Mr. B.J. Mishra, Adv.  
Ms. Anita Pandey, Adv.

CP NO.297/07

Mr. Aniruddha P. Mayee, AOR

Respondent-in-Person

Mr. Mushtaq Ahmad, AOR

Mr. Subramonium Prasad, AOR

Mr. Abhay Kumar, AOR

Mr. Bijan Kumar Ghosh, AOR

/petitioner

Mr. L.N. Rao, Sr. Adv.  
Mr. Santosh Kumar, Adv.  
Mr. Rajeev Katiyar, Adv.

Mr. Mushtaq Ahmad, Adv.  
Mr. R.K. Ranjan, Adv.  
Mr. Amilendra Pandey, Adv.  
Ms. Priya Kashyap, Adv.  
Dr. Kailash Chand, AOR

Mr. Prem Sunder Jha, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Rakesh Uttamchandra Upadhyay, AOR

Mr. Milind Kumar, AOR

Mr. Rajiv Shankar Dvivedi, AOR

Mr. Chandan Ramamurthi, AOR

Mr. Mukesh Verma, Adv.  
Mr. Yash Pal Dhingra, AOR

Mr. Ajay Kumar, Adv.  
Mr. Kanhaiya Priyadarshi, AOR

Mr. Praneet Ranjan, AOR

IA 491/09

Mr. Syed Ali Ahmad, Adv.  
Mr. Syed Tanweer Ahmad, Adv.  
Mr. Mohd. Shah Nawaz Hasan, Adv.  
Mr. Ghanshyam Mishra, Adv.  
Mr. B. Upadhyay, Adv.

CP NO.297/07

Mr. Mohan Pandey, AOR

IA 439

Mr. Md. Izhar Alam, Adv.  
Mr. Kazim Ali S., Adv.  
Mr. Ajay Mandayal, Adv.  
Mr. Mohan Pandey, AOR

Mr. Brij Bhusan, AOR

IA 467 & 471/10  
 Mr. Arup Banerjee, AOR  
 Mr. B.K. Choudhary, Adv.  
 Mr. Ranjit Sharma, Adv.  
 Mr. E.C. Vidya Sagar, AOR

IA 472, 476,  
 477, 478  
 Mr. Abhijit Sengupta, AOR  
 Mr. Dharmendra Kishor, Adv.  
 Mr. Eravin Kumar Rai, Adv.  
 Mr. Nithilash Kumar Singh, AOR  
 Ms. Kirti Kumar, Adv.

IA 551, 552, 554, 559,  
 565, 567 & 577  
 Mr. Devashish Sharma, AOR  
 Mr. Dinesh Kumar Tiwary, Adv.  
 Mr. Chandan Kumar, Adv.  
 Mr. Vibhu Shankar Mishra, Adv.  
 Ms. Ritu Upadhyay, Adv.  
 Ms. Shama Sharma, Adv.  
 Ms. Chandrashekhar, Adv.  
 Mr. Santosh Kumar Tripathi, AOR

IA 456/09  
 Mr. Ajit Kumar, Adv.  
 Mr. Ajay Kumar Singh, Adv.  
 Mr. Prahlad Kumar, Adv.  
 Mr. S.K. Sabharwal, AOR

I.A. NOS.556&564  
 Mr. A.N. Singh, Adv.  
 Mr. Dharam Bir Raj Vohra, AOR

Mr. Prashant Chaudhary, AOR

Mr. Shashi Bhushan Kumar, AOR

Mr. P.V. Yogeswaran, AOR

CP No.297/07  
 Mr. Ambhoj Kumar Sinha, AOR

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Mr. Amit Pawan, AOR

Mr. Shekhar Prit Jha, AOR

IA 514  
 Mr. Rahul Singh, Adv.  
 Mr. K. Sita Rama Rao, Adv.  
 Mr. Shree Pal Singh, AOR

Mr. Ram Ekbal Roy, Adv.  
 Mr. M.P. Jha, AOR

Mr. Neeraj Shekhar, Adv.  
 Mr. Ashutosh Thakur, Adv.

IA 485, 487 &  
 649/2000  
 Mr. Sanjeev Kumar, Adv.  
 Mr. Jitender Pandey, Adv.  
 Mr. Venkateswara Rao Anumolu, AOR

Mr. Jitendra Kumar, AOR

Mr. Subhro Sanyal, AOR

Mrs. Revathy Raghavan, AOR

Mr. Gaurav Agrawal, AOR

Mr. Mohit Kumar Shah, AOR

Ms. Kumud Lata Das, AOR

IN IA 655/11  
 Mr. K. Rama Murti, Sr. Adv.  
 Mr. Sunil Malhotra, Adv.  
 Mr. Abhishek Puri, Adv.  
 Mr. Dhiraj, Adv.  
 Mrs. Reeta Dewan Puri, Adv.  
 Mr. P.N. Puri, AOR

IN IA 542 & 476  
 Mr. Dharmendra Kishor, Adv.  
 Mr. Kirti Kumar, Adv.  
 Mr. S.N. Rai, Adv.  
 Mr. K.N. Rai, AOR

Mr. Barun Kumar Sinha, Adv.

Mrs. Pratibha Sinha, Adv.  
 Mr. Ravi Ranjan, Adv.  
 Mr. B.K. Satiya, AOR

CP NO.297/07

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IA NO.554,555,570/11 Mr. M.N. Krishna Murari, Sr. Adv.  
 Mr. Ajay Bhat, Adv.  
 Mr. Debasish Bhattacharya, AOR

Mr. D.K. Thakur, Adv.  
 Mr. Sushil Kumar, Adv.  
 Devendra Jha, Adv.

Mr. Abhishek Arora, AOR

Mr. Anil Kumar Jha, AOR  
 Mr. Samendra Kumar, Adv.  
 Mr. Sharad Chandra Jha, Adv.

Mr. Abhishek, AOR

IA 601,602,603/09 Mr. P. Chandra, Adv.  
 Mr. J.K. Jha, Adv.  
 Mr. Amit Kumar, AOR

Mr. R.P. Bhatt, Sr. Adv.  
 Mr. Mohit Kumar Shah, AOR  
 Mr. Niranjan Kumar, Adv.

Mr. Aabhas Parimal, Adv.  
 Mr. Goodwill Indeevar, AOR

I.A. 465,466,493, 515 & 538/09 Mr. C.P. Yadav, Adv.  
 Mr. R.C. Aggarwal, Adv.  
 Mr. Syeed Md. Rafiq, Adv.

IN IA NO.451 Mr. Kamalendra Mishra, Adv.  
 Mr. A.K. Singh, Adv.  
 Mr. M. Tripathi, Adv.

Mr. Ashok Kr. Upadhyay, Adv.

For intervenor Mr. Ashok Kumar Tiwary, Adv.  
 Mr. R.D. Upadhyay, Adv.

Ms. Firasat Ali, Adv.  
 Mr. Ram Swarup Sharma, Adv.

CP NO.297/07

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UPON hearing counsel the Court made the following  
 O R D E R

Contempt Petition (C) No.297 of 2007, filed in S.L.P. (C) No.22882 of 2004, arose out of an alleged breach of undertaking said to have been given on 18th January, 2006, by the State of Bihar and the order passed on the basis thereof on 23rd January, 2006, by this Court in S.L.P. (C) No.22882-22888 of 2004. As we have indicated in our order dated 9th January, 2009, a number of writ petitions had been filed against the State of Bihar, raising issues relating to recruitment of teachers in primary schools. At one stage, it was brought to our notice that on account of changes in the policy, trained teachers who were in place at the time when the undertakings were given, could not be accommodated. Accordingly, we had passed orders directing that the trained teachers who at one time were less than the number of vacant posts, should be given appointment in the vacancies that were available. Subsequently, however, there was some discrepancy as to the number of vacancies available as against the number of teachers to be accommodated. Accordingly, we adopted a figure from an advertisement which had been published for recruitment of primary school teachers and took the number of available vacancies to be 34,540.

We had directed that the said vacancies be filled up

with the said number of trained teachers as a one-time measure to give effect to the undertakings which had been given on 18th January, 2006 and 23rd January, 2006. Accordingly, without issuing a Rule of Contempt, we had

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directed that the said vacancies be filled in the manner in which the trained teachers, who are available in order of seniority.

Subsequently, however, it came to light that the number of candidates available were much more than the number of vacancies and there were also serious doubts raised about the eligibility of some of the candidates and some of the institutions from which they alleged to have received their training. In our order of 19th January, 2011, we had indicated that certain incongruities had been pointed out on behalf of the petitioners with regard to the list of eligible candidates furnished by the State of Bihar.

As a result, the State of Bihar, was directed to bring out a fresh list in terms of the orders which we had passed on 9th December, 2009 and 12th May, 2010, in order of seniority, incorporating the names of each and every candidate and the category to which they belonged. As the lists prepared were disputed, we thought it fit that in order to resolve the anomalies, a neutral person should be entrusted with the work of settling the list over which the dispute had arisen and, accordingly, by the said order we appointed Justice V.A. Mohta, a retired Judge of the Bombay High Court, who retired as Chief Justice of the Orissa High Court, as Special Officer in whose presence the list could be settled. However, since Justice Mohta expressed his desire to be relieved of the responsibility, by our order dated 24th February, 2011, while relieving Justice V.A. Mohta of the responsibility of acting as the Special Officer, we appointed Mr. Justice S.K. Chattopadhyay, a

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retired Judge of the Patna High Court in his place, to take up and complete the finalization of the seniority list.

Subsequently, several sessions were held by the learned Special Officer, at which the parties and the institutions were duly represented by counsel and His Lordship, thereafter, submitted a finalized list of the eligible candidates in order of seniority, taking into consideration the various institutions and the certificates produced by the candidates concerned. On the basis of the said list, we had requested the State of Bihar to prepare a Roster for the purpose of reservation of seats according to the different reserved categories. Such exercise has also been undertaken and completed and the list prepared in terms of the Roster has also been produced in the Court in a sealed cover.

Today, when the matter is taken up, Mr. Kailash Vasdev, learned senior counsel appearing for the State of Bihar, has raised some issues, which need to be clarified.

The first issue relates to the claim of one Shri Abhinesh Kumar, s/o Shri Babua Nand Pandey, that his case has not been considered by the learned Special Officer on account of the fact that he was not a party to the proceedings. On 13th July, 2011, Mr. Rama Murti, learned senior Advocate, submitted that Shri Abhinesh Kumar had, in fact, been impleaded as a party and, accordingly, we had directed the State of Bihar to consider his place in the seniority list as well. Today, we are informed by Mr. Kailash Vasdev that his position stands at serial number 62,551, which is far beyond the number of vacancies to be

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filled up. Accordingly, nothing further is required to be said at the present, as far as his claim is concerned.

The second issue which has been raised by Mr. Kailash Vasdev is with regard to the examination of the certificates and other documents that may be produced by the candidate concerned at the time of counselling and appointment. In the event, during scrutiny it is found that any of the documents do not conform to the requirements, the concerned authorities will be at liberty to take appropriate steps regarding the said candidate.

The third issue raised was with regard to the candidates, who are to retire at the age of 60 by 31st January, 2012, within which period they would have attained the age of 60 years. It is no doubt true that this matter has been pending for a long time and there is possibility of some candidates being adversely affected on account of such delay, but at the same time we cannot also overlook the fact that a person cannot be allowed the benefits of appointment without serving the institution for at least some length of time. Accordingly, the cases of the candidates who will be retiring on or before 31st January, 2012, need not be considered for appointment.

Fourthly, the Special Recruitments Rules, which have been framed by the State for the purpose of appointment of primary teachers in these vacancies, shall be deemed to have been modified to the extent of the directions which have been issued by this Court from time to time and also by this order.

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There is yet another group of candidates, who claim to be adversely affected by the deliberations and the findings of the learned Special Officer while preparing the list of eligible candidates. It has been claimed by some of the candidates that their institutions have been shown to be unrecognized/fake, whereas from the very same institution other candidates have been found eligible, although, this has not been admitted by Mr. Kailash Vasdev, learned senior counsel appearing for the State of Bihar, we feel if that is the case, such candidates should not be deprived of an opportunity in future. Accordingly, we direct that such candidates will be at liberty to apply to the Bihar Staff Selection Commission for reconsideration of their status and the status of their institutions in respect of which objections have not been considered by the Special Officer. If such representations are made, the same should be considered and disposed of by the Commission, after giving the candidates an opportunity of hearing and placing their cases before the Commission and if it is found that their cases are genuine, the said candidates should be considered in future vacancies, when other vacancies are available, in order of seniority.

There is one more issue, which has been raised by Mr. Kailash Vasdev, and that will be evident from the chart which has been submitted by him showing the distribution of posts. According to the requirement of the posts for Physical Education Teachers, the number shown is 1084, whereas in terms of the distribution of the number of vacancies amongst 34,540 candidates, the figure shown is 4,972, which means that there is an excess number of posts vis-a-vis the number of candidates actually required. On

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the other hand, as far as Urdu as a subject is concerned, while the requirement is 12,862 in terms of the distribution of posts, the figure has been shown as 1,509, which falls far short of the required number of candidates. Accordingly, Mr. Vasdev has submitted that the excess number of posts in the Physical Education Subject category may be allowed to be shifted to the Urdu Subject category, which would compensate the Urdu Subject category to some

extent. We feel that there is substance in such a submission and, accordingly, we allow such prayer as well. The State Government will be at liberty to transfer the excess vacancies in the Physical Education Group to the Urdu Subject category.

21.

This brings us to the end of a long and arduous journey regarding the appointment of trained teachers in terms of the undertaking given in this Court by the State Government.

We would like to express our deep sense of appreciation to Justice S.K. Chattopadhyay for having undertaken the tedious and painstaking exercise of finalising the list of eligible candidates to be considered for filling up the 34,540 vacancies identified during these proceedings.

We are informed that nothing remains to be paid to the learned Special Officer on account of his remuneration.

We also express our appreciation to all the counsel who appeared and helped us to resolve this matter for the CP NO.297/07

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benefit of the large number of trained teachers in Bihar who were waiting for appointment all these years.

Let the original Roster, as well as the seniority list, which have been produced before us in a sealed cover and is at present lying in the custody of Mr. Gopal Singh, learned Standing Counsel for the State of Bihar, be sent to the Human Resource Department, Government of Bihar, for implementing this order. We make it clear that since the Roster, as well as the seniority list, have been prepared in terms of the order of this Court, no Court shall entertain any other objections or applications with regard to the same.

The contempt petition, as well as the pending interlocutory applications are also disposed of by this order.

(Chetan Kumar)  
Court Master

(Juginder Kaur)  
Assistant Registrar

माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा अतिमानजात संख्या-२९७/२००७ में पारित आदेश के अनुपालन में राज्य सरकार द्वारा प्रख्यापित "बिहार विशेष प्रारंभिक शिक्षक नियुक्ति नियमावली, २०१०" तथा विभागीय निदेश (पत्रांक ४१ दिनांक ०१.०१.२०१२) के आलोक में जिला के लिए अनुशंसित उर्दू विषय के शिक्षक के निम्नांकित अभ्यर्थियों को प्रारंभिक विद्यालयों में सहायक शिक्षक के पद पर पे बैंड-P२, ग्रेड पे-४२०० में योगदान करने की तिथि से नियुक्त करते हुए उनके नाम के सामने अंकित विद्यालयों में पदस्थापित किया जाता है :-

क्र० सं०	अभ्यर्थी का नाम	पिता/पति का नाम	पता	अनुशंसित वरीयता सूची का क्रमांक	पदस्थापित विद्यालय का नाम
०१	मौ० आजहर	मौ० शाहब अली	ग्राम-रजना पो-पहरण मोथा-धरमपुरी		उ० उ० म० वि० जिला कुल्लुआ रोड प्रखंड-उ० वि० जिला
०२	मौ० मोइनुद्दीन	मौ० जहीरुद्दीन	जिला-मधेपुरा "		उ० म० वि० जिला प्रखंड-मधेपुरा

नियुक्ति संबंधी शर्तें :-

- यह नियुक्ति पूर्णतः अस्थायी होगी। उम्मीदवारों के लिए निर्धारित सेवाकालीन प्रशिक्षण पूरा करने तथा प्रमाण पत्रों की जाँच के उपरान्त न्यूनतम एक साल की सेवा अवधि पूरा होने के उपरान्त ही सेवा सम्पुष्ट की जायेगी।
- उम्मीदवारों की आपसी वरीयता आयोग द्वारा अनुशंसित वरीयता सूची के अनुरूप होगी।
- बिछुरी कर्मचारी तब तक आयोग द्वारा यदि किसी अनुशंसित उम्मीदवार के संबंध में कोई प्रतिस्पर्धा अनुशंसित प्राप्त होती है तो तदनुसार उम्मीदवार की वरीयता एवं नियुक्ति प्रभावित होगी।
- नियुक्ति पत्र निर्गत होने के १५ दिनों के अन्दर ही पदस्थापित विद्यालय में योगदान करना होगा।
- नियुक्ति शिक्षक का वेतनमान एवं सामान्य सेवा शर्तें जहीरुद्दीन जे पूर्व के जिला संतान के नियुक्त शिक्षक के हैं। किन्तु पेंशनदि हेतु ये शिक्षक राज्य सरकार के अंशदारी पेंशन योजना से अछूतित होंगे।
- योगदान के समय सिविल सर्जन के स्तर से निर्गत स्वास्थ्य प्रमाण पत्र देना होगा। संबंधित विद्यालय प्रधान अनिवार्य रूप से नियुक्ति पत्र का सत्यापन अभ्यर्थी के योगदान की तिथि से एक सप्ताह के अंदर करना सुनिश्चित करेंगे।
- प्रमाण पत्रों के जाँच के उपरान्त प्रमाण पत्र फर्जी/गलत पाये जाने पर नियुक्ति रद्द करते हुए भुगतान की गयी राशि की एक-मुश्त वसूली की जायेगी एवं कानूनी कार्यवाई भी की जायेगी।
- जाँच के दौरान संस्था को अमान्य पाये जाने अथवा संस्था द्वारा निर्गत प्रमाण पत्र की मान्यता नहीं होने अथवा प्रमाण पत्र के फर्जी होने की रिपोर्ट में नियुक्ति को रद्द कर दिया जायेगा।
- यह नियुक्ति पूर्णतः औपचारिक है। वेतन भुगतान शैक्षणिक संस्थाओं के मान्यता एवं उससे निर्गत प्रमाण पत्रों के सत्यापन के उपरान्त ही किया जायेगा।

जिला कार्यपालक पदाधिकारी (स्था०) मधेपुरा  
 जिला शिक्षा पदाधिकारी, मधेपुरा  
 डा.पं० 726 (A.) दिनांक 15/12/12

प्रतिलिपि : संबंधित अभ्यर्थी / संबंधित विद्यालय के प्रधानाध्यापक/ प्रभारी प्रधानाध्यापक/ संबंधित निकासी एवं व्यवसाय पदाधिकारी/ संबंधित प्रखंड शिक्षा पदाधिकारी एवं कोषागार पदाधिकारी, मधेपुरा को सूचनार्थ एवं आवश्यक कार्याच प्रेषित।

जिला कार्यपालक पदाधिकारी (स्था०) मधेपुरा  
 जिला शिक्षा पदाधिकारी, मधेपुरा  
 11/12/12

दिनांक

Number - 3

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श्री मान प्रधानाध्यापक महोदय

उत्तर प्रदेश चक्रा. मधुपुरा

विषय - पौगंडान के सम्बन्ध में

महोदय,

साधन निवेदन यह है कि विद्यालय विशेष प्रारम्भिक शिक्षक नियुक्ति नियमावली 2012 तथा विभागीय विदेश पत्रांक-41 दिनांक 09-01-2012 के आलोक में जिला के लिए अनुमोदित उर्दू विषय के शिक्षक के निर्मांकित अनुभाविका के प्रारम्भिक विभागत में सहायक शिक्षक के पद पर फॉर्म-12 गेड जे. 4200 में नियुक्ति की गई है।

यह कि जिला शिक्षा प्रशासिका मधुपुरा तथा

जिला कार्यक्रम प्रशासिका (स्वा०) मधुपुरा के शापांक 726 स्वी दिनांक 15-2-2012 के आदेशानुसार उत्तर प्रदेश चक्रा

स्वीकृत  
दिनांक  
2012

प्रवर मधुपुरा में सहायक उर्दू शिक्षक के पद पर प्रदर्शित किया गया है। प्रवर शिक्षा प्रवार प्रशासिका मधुपुरा के शापांक - 338 दिनांक 19-3-2012 के आलोक में आज दिनांक 20-3-2012 के आदेश में सहायक उर्दू शिक्षक के पद पर उत्तर प्रदेश चक्रा प्रवर मधुपुरा में अपना पौगंडान के रखा है।

अतः श्री मान से नम निवेदन है कि मेरा पौगंडान पत्र स्वीकृत करने हुए उद्यासिका को भी सूचित किया जाय।

विद्यालय मातृ  
मं० मातृ उद्योग  
सहायक उर्दू शिक्षक उत्तर प्रदेश  
चक्रा  
प्रवर - मधुपुरा  
जिला - मधुपुरा

Type (A)

सेवा में,

श्रीमान् प्रधानाध्यापक महोदय,  
सयू मधीच० पखला-मधेपुरा

विषय-

योगदान के सम्बन्ध में।

महाशय,

सौजन्य निवेदन यह है कि बिहार ज्योष प्रारंभिक शिक्षक  
नियुक्ति नियमावली 2012 तथा विभागीय निदेश पत्रांक-91 दिनांक-  
09-01-2012 के आलोक में जिला के लिए अनुशासित उर्दू विध्य के शिक्षक  
के निम्नांकित अभ्यर्थियों को प्रारंभिक चिन्तालय में उहायक शिक्षक के पद पर  
पर पीए-पी-2 के पेठे -4200 में नियुक्ति की गई है।

यह कि जिला शिक्षा पदाधिकारी मधेपुरा तथा जिला कार्यक्रम  
पदाधिकारी (स्था०) मधेपुरा के आपांक- 726 स्टा० दिनांक-15-2-12 के  
आदेशानुसार उरदू मधीच० पखला प्रखण्ड मधेपुरा में उहायक उर्दू शिक्षक के प  
पद पर पदस्थापित किया गया है। प्रखण्ड शिक्षा प्रसार पदाधिकारी  
मधेपुराके आपांक- 336 दिनांक-19-3-2012 के आलोक में आज दिनांक-  
2-3-2012 के पूर्वार्धन में उहायक उर्दू शिक्षक के पद पर उर्दू,0 मधीच०  
पखला प्रखण्ड मधेपुरा में अपना योगदान दे रहा है।

अतः श्रीमान् के नम्र निवेदन है कि मेरा योगदान पत्र स्वीकृत  
करते हुए उच्चधिकारी को भी सूचित किया जाय। विश्वासार्थम्  
स्वीकृत  
हउ/- मु० मोहंन उद्दीन  
उहायक उर्दू शिक्षक उरदू,0 मधीच०  
पखला

हउ/- अरपञ्च  
20/3/12

पुर्वे- मधेपुरा, जिला-मधेपुरा

कार्यालय - प्रखण्ड शिक्षा पंढराधिकारी, मधेपुरा

कार्यालय - अद्वैत

विद्यालय कार्यरत पंढराधिकारी (स्थापना) मधेपुरा के शापांक  
 726(गि) दिनांक- 15-2-12 के द्वारा अद्वैत मधेपुरा के शापांक  
 07-02-12 के द्वारा अद्वैत मधेपुरा के शापांक  
 न्यायालय, द्वारा अवमाननावाद संख्या - 297/2007 में पारित  
 आदेश के अनुपालन में राज्य सरकार द्वारा प्रख्यापित विद्यार्थी  
 विशेष प्रारंभिक शिक्षक नियुक्ति नियमावली, 2010 तथा  
 विभागीय निर्देश (पत्रांक-41 दिनांक-9-1-12) के अन्तर्गत  
 में सामान्य विषय के शिक्षक के अभ्यर्थी स्त्री/पुरुषों को  
 मोड 13डी का पदस्थापन सहायक शिक्षक के पद पर  
 30 नो किं चकवा प्रखंड-मधेपुरा में किया गया है।  
 तदनुसार स्त्री/पुरुषों को मोड 13डी के द्वारा दिनांक- 16/3/12  
 के पूर्वार्ध में अद्वैत मधेपुरा कार्यालय में अपना योगदान  
 समर्पित किया।

मोड 13डी का योगदान स्वीकृत करने  
 हुए 8 पदस्थापित विद्यालय में योगदान करने हेतु  
 अद्वैत मधेपुरा कार्यालय से दिनांक- 19/3/12 के अपराध  
 में विरहित किया जाता है।

हस्ताक्षर  
 मधेपुरा

प्रखंड शिक्षा पंढराधिकारी, मधेपुरा  
 शापांक - 338 मधेपुरा, दिनांक - 19/3/12  
 फोटोसिद्धि - संबंधित शिक्षक/संबंधित विद्यालय के  
 प्रधानाध्यापक एवं निवासी एवं अलग पदार्थ  
 मधेपुरा की सूचनाएं एवं आवश्यक कार्रवाई के लिए

प्रखंड शिक्षा पंढराधिकारी  
 मधेपुरा

Te/pe copy

कार्यालय प्रमुख शिक्षा पदाधिकारी, मधुपुरा

कार्यालय- आदेश

जिला कार्यालय प्रमुख पदाधिकारी [स्थापना] मधुपुरा के अना-726/निउ।  
 दिनांक- 15-2-12 के आदेशानुसार संघ मातृतीय वर्ग के न्यायालय द्वारा  
 अमाननावाद संख्या-297/2007 में पारित आदेश के अनुपालन में राज्य  
 सरकार द्वारा प्रत्यक्षित बिहार विधीय प्रारंभिक शिक्षा नियुक्ति  
 नियमावली 2010 तथा विधीय निदेशा [पत्रांक 9। दिनांक-9.1.12] के  
 आलोक में सामान्य विधी के शिक्षक के अन्वर्धी श्री मोह मोहम्मदुदीन का  
 पदस्थापन तहायक शिक्षक के पद पर उम्मीद चला प्रक मधुपुरा में  
 किया गया है। तदनोपरान्त श्री मोह मोहम्मदुदीन के द्वारा दिनांक-  
 16/3/12 के पूर्णतन में अधीहस्ताक्षरी कार्यालय में अपना योगदान तमीपति  
 किया।  
 मोह मोहम्मदुदीन का योगदान स्वीकृत करते हुए पदस्थापित  
 दिनांक में योगदान करने हेतु अधीहस्ताक्षरी कार्यालय से दिनांक- 19/3/12 के  
 अराहन में विरीमत किया जाता है।

EG/अपष्ट

19.3.12

प्रमुख शिक्षा पदाधिकारी मधुपुरा

आधांक- 338 मधुपुरा, दिनांक- 19/3/12

प्रतिरूपित- संबंधित शिक्षक/संबंधित विद्यालयके प्रधानाचार्यके निवासी संघ  
 स्थान पदाधिकारी को सूचना संघ आचार्य कार्यालय प्रेषित।

EG/अपष्ट

19.3.12

प्रमुख शिक्षा पदाधिकारी, मधुपुरा

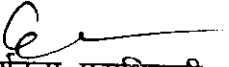
## कार्यालय जिला शिक्षा पदाधिकारी, मधेपुरा

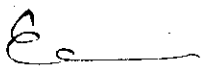
(स्थापना शाखा)

कार्यालय - आदेश

माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा अवमाननावाद सं० 297/2007 में पारित आदेश के अनुपालन में राज्य सरकार द्वारा प्रख्यापित "बिहार विशेष प्रारंभिक शिक्षक नियुक्ति नियमावली 2010 तथा विभागीय निदेश पत्रांक 41 दिनांक 01.01.2012 एवं निदेशक, प्राथमिक शिक्षा बिहार के पत्रांक 99 दिनांक 02.02.2012 तथा पत्रांक 124 दिनांक 10.02.2012 के द्वारा प्राप्त निदेश "कि राज्य के अंदर अथवा राज्य के बाहर वैसी संस्था जिसकी मान्यता संदिग्ध हो, से निर्गत शैक्षणिक/प्रशैक्षणिक प्रमाण पत्रों के आधार पर नियुक्ति इस शर्त के साथ दी जा सकती है कि जांच के दौरान संस्था को अमान्य पाये जाने अथवा संस्था द्वारा निर्गत प्रमाण पत्रों की मान्यता नहीं होने अथवा प्रमाण पत्र के फर्जी होने के स्थिति में नियुक्ति को रद्द कर दिया जायेगा" के आलोक में अद्योहस्ताक्षरी कार्यालय के ज्ञापांक 726 नि० दिनांक 15.02.2012 के द्वारा मो० मोईनुद्दीन, पिता- मो० जहीर उद्दीन, ग्राम- रेसना, पोस्ट- परतपार, थाना- ग्वालपाड़ा, जिला- मधेपुरा की नियुक्ति मो० मोईनुद्दीन द्वारा दिये गये शपथ पत्र के आलोक में उत्कृष्ट मध्य विद्यालय चकला, प्रखंड- मधेपुरा में उर्दू शिक्षक के पद पर औपबंधित रूप से नियुक्ति की गई थी।

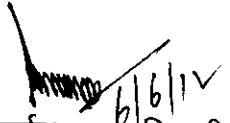
संयुक्त सचिव शिक्षा विभाग, बिहार सरकार के ज्ञापांक 322 दिनांक 09.05.2012 के द्वारा गौधी हिन्दी विद्यापीठ इलाहाबाद/प्रयाग उत्तर प्रदेश के द्वारा प्रदत्त प्रमाण पत्र शिक्षक पद पर नियुक्ति हेतु न्यूनतम प्रशैक्षणिक अर्हता नहीं है, के कारण श्री मो० मोईनुद्दीन की नियुक्ति रद्द की जाती है।

  
जिला कार्यक्रम पदाधिकारी,  
स्थापना, मधेपुरा

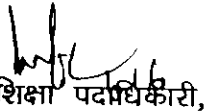
  
जिला शिक्षा पदाधिकारी,  
मधेपुरा

ज्ञापांक...1391.../मधेपुरा, दिनांक...06.10.12

प्रतिलिपि: संबंधित शिक्षक/संबंधित विद्यालय प्रधान/संबंधित निकासी एवं व्ययन पदाधिकारी/संबंधित प्रखंड शिक्षा पदाधिकारी एवं कोषागार पदाधिकारी मधेपुरा को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

  
जिला कार्यक्रम पदाधिकारी,

स्थापना, मधेपुरा

  
जिला शिक्षा पदाधिकारी,

मधेपुरा



(10) Annexure-5 - 26

बिहार सरकार  
शिक्षा विभाग।

आदेश

पटना, दिनांक- 5.9.2012

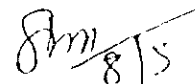
संख्या- 7/वि03-18/12-392 / माननीय सर्वोच्च न्यायालय, नई दिल्ली के द्वारा अवमाननावाद संख्या- 297/2007 में दिनांक 13.10.2011 को पारित आदेश के आलोक में राज्य के विभिन्न जिलों के प्रारम्भिक विद्यालयों में 34,540 सहायक शिक्षकों की नियुक्ति करने का निदेश निर्गत किया गया। नियुक्ति के क्रम में कतिपय जिलों के जिला शिक्षा पदाधिकारियों के द्वारा कुछ शिक्षण/प्रशिक्षण महाविद्यालयों/संस्थाओं की मान्यता एवं उन संस्थाओं से प्राप्त प्रमाण पत्रों की वैधता के संबंध में मार्गदर्शन की मांग की गयी।

विभाग के द्वारा इस विषय पर निर्णय लेते हुए निदेशक, प्राथमिक शिक्षा के पत्रांक 99 दिनांक 02.02.2012 एवं पत्रांक 124 दिनांक 10.02.2012 के द्वारा निदेश दिया गया कि राज्य के अन्दर अथवा राज्य के बाहर वैसी संस्था जिसकी मान्यता संदिग्ध हो, से निर्गत शैक्षणिक/प्रशैक्षणिक प्रमाण पत्रों के आधार पर नियुक्ति इस शर्त के साथ की जा सकती है कि जांच के दौरान संस्था को अमान्य पाये जाने अथवा संस्था द्वारा निर्गत प्रमाण पत्रों की मान्यता नहीं होने अथवा प्रमाण पत्र की फर्जी होने की स्थिति में नियुक्ति को रद्द कर दिया जायेगा। साथ ही, उक्त अभ्यर्थियों के वेतनादि का भुगतान शैक्षणिक संस्थाओं के मान्यता एवं उससे निर्गत प्रमाण पत्रों के सत्यापन के उपरान्त ही किया जायेगा।

जिलों के द्वारा राज्य के बाहर के लगभग 19 संस्थाओं की मान्यता एवं उनके द्वारा प्रदत्त प्रमाण पत्रों की वैधता के संबंध में मार्गदर्शन की मांग की गयी। मार्गदर्शन के आलोक में निदेशक, प्राथमिक शिक्षा के स्तर पर प्रत्येक संस्थान की मान्यता एवं उनके द्वारा प्रदत्त प्रमाण पत्रों की वैधता के संबंध में जांच हेतु तिथि निर्धारित की गयी। जांच के क्रम में विभागीय पदाधिकारी तथा जिला के पदाधिकारी संगत अभिलेखों के साथ उपस्थित हुए। जिलों के द्वारा अभ्यर्थियों को भी उक्त जांच के क्रम में उपस्थित रह कर अपना पक्ष रखने हेतु सूचित किया गया।

उपर्युक्त प्रक्रिया से जांच के क्रम में अररिया जिला के द्वारा "गांधी हिन्दी विद्यापीठ, इलाहाबाद/प्रयाग, उत्तर प्रदेश" के द्वारा प्रदत्त प्रमाण पत्र की मान्यता के संबंध में मार्गदर्शन के निमित्त संस्था की मान्यता एवं प्रमाण पत्रों की वैधता की जांच दिनांक 27.04.2012 को की गयी। उपस्थापित किये गये अभिलेखों एवं प्रमाण पत्रों की जांच से यह स्पष्ट हुए कि गांधी हिन्दी विद्यापीठ, इलाहाबाद/प्रयाग उत्तर प्रदेश द्वारा प्रदत्त बेबी टीचर्स ट्रेनिंग का प्रमाण पत्र शिक्षक पद पर नियुक्ति हेतु न्युन्तम प्रशैक्षणिक अर्हता नहीं है।

अतः विभागीय निर्णय के अनुसार "गांधी हिन्दी विद्यापीठ, इलाहाबाद/प्रयाग, उत्तर प्रदेश" के द्वारा निर्गत बेबी टीचर्स ट्रेनिंग के प्रमाण पत्र के आधार पर अभ्यर्थियों की नियुक्ति राज्य के विद्यालयों में शिक्षक के पद पर नहीं की जा सकती है।



( के० के० राय),  
संयुक्त सचिव।

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-2-

ज्ञापक:-7/वि03-18/12 322 / पटना, दिनांक:- 25/05/17  
प्रतिलिपि:- निदेशक, प्राथमिक शिक्षा/निदेशक, माध्यमिक शिक्षा/निदेशक, शोध एवं प्रशिक्षण/सं  
क्षेत्रीय शिक्षा उप निदेशक/सभी जिला शिक्षा पदाधिकारी/सभी जिला कार्यक्रम पदाधिकारी/ सभी सदस्य  
जिला शिक्षक नियोजन अपीलीय प्राधिकारी एवं सभी प्रखंड शिक्षा पदाधिकारी को सूचनार्थ एवं आवश्यक  
कार्यार्थ प्रेषित।

*[Signature]*  
8/5  
संयुक्त सचिव।