

Munji Prasad Singh

Vs

State of Bihar

Civil Appeal No. 4504 of 1986

(A. P. Sen, S. Natarajan JJ)

12.12.1986

ORDER

1. Special leave granted. Arguments heard.

2. After hearing learned counsel for the parties, we are satisfied that the High Court was in error in proceeding on the basis that the appellant was one of the persons appointed by Hari Narayan Thakur, District Superintendent of Education, Dumaka who had issued forged orders of appointment of teachers without sanction. In fact, the appellant had been appointed by Sita Ram Karan, the then District Superintendent of Education, Dumaka by his order dated May 5, 1980. Unfortunately, because of an error which crept in, the name of the appellant was mentioned as Munshi Prasad Singh instead of Munji Prasad Singh and as a result he was not allowed to join his post. After the error had been rectified, he was allowed to join his duty on February 3, 1983.

3. Learned counsel appearing for the State Government has drawn our attention to the counter-affidavit filed by the Deputy Director of Education and very fairly accepts that the services of the appellant were wrongly terminated by the District Superintendent of Education, Deoghar by order dated October 16, 1984, pursuant to the letter of the Special Secretary to the Government, Education Department dated September 13, 1984 addressed to the Regional Deputy Education Director, Bhagalpur and the District Education Superintendents, Dumaka and Sahebganj conveying the decision of the government to terminate the services of all persons irregularly appointed as teachers by the aforesaid Hari Narayan Thakur. Due to the misfortune of the appellant, he was shown in the enclosed list of 37 persons whose appointment had to be terminated, and he figured at serial No. 35. In the circumstances, the judgment of the High Court cannot be sustained.

4. Accordingly, the appeal succeeds and is allowed. The judgment and order passed by the High Court in CWJC No. 288/85 are set aside. The writ petition filed by the appellant is allowed and the impugned order of termination passed by the District Super-intendent of Education, Deoghar dated October 16, 1984 is quashed. The appellant shall be reinstated in service with consequential benefits. No costs.

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