



2026:PATHC:6357

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.726 of 2026

Sarita Sinha Wife of Sri Kaushalendra Kumar, Resident of Village and P.O
Husena, P.S.- Sarmera, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Nalanda.
4. The District Programme Officer (Establishment), Nalanda.
5. The Block Education Officer, Sarmera, P.O. and P.S.- Sarmera, District- Nalanda.
6. The Member Secretary, Panchayat Teacher Employment Committee-cum-Panchayat Secretary, Gram Panchayat Raj, Isua, Block- Sarmera, District- Nalanda.
7. The Headmaster, New Primary School, Purani Isua, Block- Sarmera, District- Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Addl. Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 20-01-2026 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. The petitioner has prayed for the grant of following
relief:-

*“That, this writ petition is for
setting aside the order as
contained in Letter No. 25 dated
17.06.2025 issued by Member
Secretary, Panchayat Teacher
Employment Committee-cum-*





Panchayat Secretary, Gram Panchayat Raj, Isua, Block-Sarmera within the district of Nalanda dispensing with her services on dictate of superior authority, which is nullity in view of the judgment of the Apex Court in the case of Purtabpore Co. Ltd. vs. Cane Commissioner Of Bihar & Ors., reported in AIR 1970 SC 1896 by stating that there are irregularities in her appointment without following required process, authority and basic requirement, which is mandatory, basic and an elementary law as well as further prayer for reinstatement of her service with back wages in terms of law settled by the Court of Law dealing moreover same and similar issues/ claims and for other necessary relief/ reliefs on the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter.”

3. It is a case of the petitioner that the petitioner had applied for engagement as Panchayat Teacher under Gram Panchayat Raj, Isua, Block-Sarmera within the district of





Nalanda and being eligible her name was there in the list of successful candidates. However, the authority did not pay heed to the same and did not appoint the petitioner. Having no option left, the petitioner preferred an appeal bearing Appeal No. 348 of 2010 before the District Teachers Appellate Authority, Nalanda along with two other similarly situated persons, which was decided in favour of the petitioner with a direction to appoint the petitioner against the post of Panchayat Teacher within one month. As against this order passed by the District Teachers Appellate Authority, Nalanda, an appeal was preferred by the respondents before the State Appellate Authority bearing Appeal Case No. 572 of 2018 assailing the validity and correctness of the order passed by the District Teachers Appellate Authority, Nalanda. This appeal preferred by the respondents was dismissed on 20.08.2019 and the order of the District Teachers Appellate Authority stood affirmed.

4. It is the further case of the petitioner that in response to the order of the State Appellate Authority, Bihar, Patna, the Block Education Officer, Sarmera issued Memo No. 19 dated 22.01.2020 addressed to the Headmaster of the school for compliance of the order and acceptance of her joining. In its compliance, the Panchayat Secretary-cum-Member Secretary,





Panchayat Teacher Employment Committee, Gram Panchayat Raj, Isua, Block-Sarmera issued Memo No. 128 dated 03.02.2020 and posted the petitioner in New Primary School, Purani Isua, Block-Sarmera within the district of Nalanda. The petitioner submitted her joining before the headmaster of New Primary School, Purani Isua, Block-Sarmera which was accepted with necessary permission to execute work and since then the petitioner had been rendering her services till the impugned order of termination was passed.

5. The petitioner further submits that ex-mukhiya of Gram Panchayat Raj, Isua, Block-Sarmera made a complaint before the District Grievance Redressal Officer, Nalanda against the Block Education Officer, Sarmera in which he raised his voice against the alleged irregularities under the Block and disclosed the names of some teachers who as per the ex-mukhiya were working fraudulently under the Block and consequently, it is alleged that on extraneous consideration, the District Programme Officer Establishment, Nalanda issued Letter No. 919 and asked the petitioner for explanation whereas the name of the petitioner was not even there in the complaint. The petitioner further submits that the petitioner furnished her reply on 27.02.2025 by stating that her appointment was made





on the basis of the order passed by the District Teachers Appellate Authority, Nalanda in Appeal Case No. 348 of 2010 as well as on the basis of the order of the State Appellate Authority, Bihar, Patna in Appeal Case No. 572 of 2018 and that there was no irregularity in her appointment. The petitioner also pointed out in her reply that her name was not even figuring in complaint filed by the ex-mukhiya and, therefore, she was being unnecessarily harassed.

6. It is further submitted that the District Programme Officer, Establishment, Nalanda without considering the defence of the petitioner as well as without examining the genuineness of her appointment, issued Letter No. 1836 and directed the employment unit for necessary action to be taken against the petitioner but a copy of the said communication was never provided to the petitioner. In response to the said letter, the Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Employment Committee, Gram Panchayat Raj, Isua, Block-Sarmera issued Memo No. 20 dated 28.04.2025 without any application of mind and asked the petitioner for explanation on the issue of her appointment, despite the fact that the petitioner was admittedly appointed pursuant to orders passed by the District Teachers Appellate Authority, Nalanda as well as in





compliance of the State Appellate Authority's order passed in Appeal Case No. 572 of 2018. It is next submitted by the learned counsel for the petitioner that without considering the reply filed by the petitioner and the explanation subsequently tendered by the petitioner, the Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Employment Committee, Gram Panchayat Raj, Isua, Block-Sarmera issued Letter No. 25 dated 17.06.2025 on the diktat of order of superior authority for dispensing with her services with immediate effect and it is this order which has been challenged in the present writ application on the ground that it has been issued on the instruction/diktat of superior authority without affording any opportunity of hearing to the petitioner.

7. Per contra, learned counsel appearing for Respondent-State defends the order of termination by submitting that the Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Employment Committee, Gram Panchayat Raj, Isua, Block-Sarmera has issued the termination order in compliance of the direction of the superior authority which is reflected from the termination order itself and since it is proper and justified, therefore, the same needs no interference.

8. Having heard the parties, it is appropriate to





reproduce hereinbelow the termination order contained in Letter
No. 25 dated 17.06.2025 (Annexure-P/8), which is as follows:-

“कार्यालय, ग्राम पंचायत इसुआ, सरमेरा (नालंदा)

Email-isua98254@gmail.com /Mob-9534619669

पत्रांक ...25... / पं०

दिनांक 17 / 06 / 2025

आदेश

दिनांक 01.05.2025 को पंचायत शिक्षक नियोजन इकाई ग्राम पंचायत राज इसुआ के सभी सदस्यों के साथ माननीय अध्यक्ष श्रीमती मनी देवी की अध्यक्षता में पंचायत नियोजन इकाई की बैठक आयोजित की गई। उक्त बैठक में पारित प्रस्ताव संख्या-03 में लिए गए निर्णय के अनुसार तथा कार्यालय-जिला शिक्षा पदाधिकारी, नालंदा के पत्रांक -1836 दिनांक- 01.04.2025 द्वारा प्राप्त निदेश के आलोक में श्रीमति सरिता सिन्हा, पंचायत शिक्षिका, नया प्राथमिक विद्यालय इसुआ, सरमेरा के नियोजन की सम्पूर्ण प्रक्रिया अनियमित तरीके से होने के आधार पर तत्काल प्रभाव से नियोजन रद्द करने का निर्णय लिया गया है।

अतः कार्यालय-जिला शिक्षा पदाधिकारी, नालंदा के पत्रांक-1836 दिनांक- 01.04.2025 तथा पंचायत शिक्षक नियोजन इकाई ग्राम पंचायत, इसुआ की बैठक दिनांक- 01.05.2025 के प्रस्ताव संख्या-03 में लिए गए निर्णय के आलोक में श्रीमति सरिता सिन्हा, पंचायत शिक्षिका, नया प्राथमिक विद्यालय इसुआ, सरमेरा को उनके नियोजन की सम्पूर्ण प्रक्रिया अनियमित तरीके से होने के आधार पर श्रीमति सरिता सिन्हा, पंचायत शिक्षिका, नया प्राथमिक विद्यालय इसुआ, सरमेरा का नियोजन तत्काल प्रभाव से रद्द किया जाता है।

अनुलग्नक:- यथोपरि।

पंचायत सचिव-सह-सदस्य सचिव
पंचायत शिक्षक नियोजन इकाई
ग्राम पंचायत राज, इसुआ
प्रखंड-सरमेरा, नालंदा
पं० सचिव
ग्राम पंचायत राज इसुआ
सरमेरा (नालंदा) ”

9. From a careful reading of the aforesaid termination
order itself, it is clear that this termination order has been issued
on the basis of direction issued by the District Education





Officer, Nalanda *vide* Letter No. 1836 dated 01.04.2025. The issue, therefore, which arises for consideration in this case is whether such an order could have been issued on the instruction/diktat of superior authority without independent application of mind?

10. The aforesaid issue was considered in another similar case of *Kishore Kumar Giri Vs. The State of Bihar and Ors. in CWJC No. 1368 of 2016* and a Coordinate Bench of this Court had the occasion to answer this issue *vide* judgment and order dated 05.07.2018 (Annexure-P/12). Paragraph Nos. 3 and 4 of the said order dated 05.07.2018 passed in CWJC No. 1368 of 2016 is quoted hereinbelow for the needful:-

“3. On behalf of the respondents stand was taken in the counter affidavit that the decision was taken by the Block Employment Unit. The meeting was convened in the light of the direction of the District Programme Officer (Establishment), Siwan and the Block Development Officer has simply issued the order of termination in compliance of the direction of the superior authority.

4. In view of the aforesaid, the





Court has no option but to quash the order dated 31.12.2015 (Annexure-6), as order was at the dictate of the superior authority is nullity. Reference in this connection is made to the judgment in the case of Purtabpore Co. Ltd vs. Cane Commissioner Of Bihar & Ors, reported in AIR 1970 SC 1896. However, quashing of the order will not come in the way of the respondents to take decision independently in compliance of the principles of natural justice and fair play. Consequential benefits of quashing of Annexure-6 would depend upon the fresh decision of the respondents in accordance with law.”

11. Since a Coordinate Bench of this Court has already decided that an order issued at the diktat of superior authority is a nullity and reliance in this connection has been made to the judgment of the Supreme Court in the case of ***Purtabpore Co. Ltd vs. Cane Commissioner of Bihar & Ors.***, reported in ***AIR 1970 SC 1896***, therefore, I have no reason to take a different view in this matter.





12. Considering the submissions made by the parties and in the facts and circumstances of the present case, this writ application is allowed and the impugned order of termination contained in Letter No. 25 dated 17.06.2025 (Annexure-P/8) issued by the Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Employment Committee, Gram Panchayat Raj, Isua, Block-Sarmera, Nalanda is hereby set aside and the petitioner is directed to be reinstated back in service with full back wages and consequential benefits.

13. The writ application is allowed in the aforesaid terms.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

U			
---	--	--	--

