

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1876 of 2012

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1. Rabia Khatoon D/O Md. Mohiuddin Ahmad Panchayat Teacher, Primary School, Muradpur, Gram Panchayat - Karsaon, Block - Obra, P.S.- Fesar, District - Aurangabad
 2. Jugal Kishore S/O Late Bhikhar Prasad Panchayat Teacher, Primary School, Rupkhap, Gram Panchayat - Karsaon, Block - Obra, P.S.- Fesar, District - Aurangabad
 3. Ram Kumar Singh S/O Sri Ram Swaroop Singh Panchayat Teacher, Primary School, Mahatha, Gram Panchayat - Karsaon, Block - Obra, P.S.- Fesar, District - Aurangabad
 4. Md. Arsad Ansari S/O Late Ahsan Ansari Panchayat Teacher, Primary School, Hussainabad, Gram Panchayat - Karsaon, Block- Obra, P.S.- Fesar, Distt - Aurangabad

.... Petitioners

Versus

1. The State Of Bihar
2. The District Teachers Appointment Appellate Tribunal, Aurangabad through Its Member
3. The District Programme Officer-Cum-District Education Officer, Aurangabad
4. The Block Development Officer, Obra, District - Aurangabad
5. The Panchayat Secretary, Gram Panchayat Karsaon, P.S. Karsaon, District - Aurangabad
6. The Mukhiya, Gram Panchayat - Karsaon, P.S. Karsaon, District - Aurangabad
7. Mohan Thaur S/O Ganesh Thakur Resident Of Village + P.O. Arai, P.S. Daudnagar, District - Aurangabad
8. Asha Kumari D/O Sanjay Bhagat Karma Road, P.S. + Distt- Aurangabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Singh Sr. Advocate
Mr. Navjot Yesu, Advocate.
For the Respondent/s : Mr. Hemendra Prasad Singh, Sr. Advocate
For the State : Mr. Ratnakar Ambastha, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 29-01-2015

Heard the parties.

Various counter affidavit(s) have been filed. The
petitioners have filed reply thereto.

Four post of Panchayat Teachers (for short ‘the



P.T.') were available for Gram Panchayat, Karsaon within Obra Block in the District of Aurangabad. The process of selection was undergone whereafter the petitioners herein belonging to the categories for which the post(s) were available were appointed. Aggrieved thereby the respondent nos. 7 and 8 filed an appeal before the District Teachers Employment Appellate Authority, Aurangabad (for short 'the Authority') vide case nos. 118 of 2011 and 367 of 2011. Both the appeals raising common issues pertaining to the selection undergone in the concerned Gram Panchayat were, therefore, heard together and disposed of under order dated 28.12.2011 which has been impugned.

Diverse submissions have been advanced on behalf of the petitioners which have been countered by the respondents. One of the submissions made on behalf of the petitioners is that the order impugned was passed by the Authority without affording an opportunity of hearing to the petitioners inasmuch as the case of the petitioners was not even discussed. In this connection, Mr. Singh has placed the entire order passed by the Authority. Counsel for the respondents, on the other hand, has contended that notice was issued to the petitioners.

I have carefully perused the impugned order passed by the Authority wherefrom it does not appear that the petitioners or



their counsel was present when the impugned order was passed. It also does not reflect therefrom that any opportunity of hearing was afforded to the petitioners and the case put up by them was discussed. The rules of natural justice provide such opportunity to the petitioners who were appointed after undergoing the selection process. The order adverse to their interest was passed but without affording them an opportunity of hearing. On this count alone, this Court is satisfied that the impugned order becomes vulnerable being contrary to the fundamental principle of natural justice. This Court is, therefore, satisfied that the impugned order merits to be interfered with. Since the application is being allowed on this ground alone, this Court has not purposely incorporated the diverse submissions which have been advanced on behalf of the petitioners and the private respondents leaving it for them to make such submissions before the Authority.

The application is allowed. The order dated 28.12.2011 passed in appeal nos. 118 of 2011 and 367 of 2011 is quashed and set aside. Those appeals are restored on the file of the Authority for fresh consideration and disposal but after affording an opportunity of hearing to both the parties. Be it noted that the petitioners as well as the private respondents have undertaken before this Court that they will appear before the Authority along with a copy of the present order within a period of four weeks enabling the

Authority to resume consideration of the matter afresh and disposal in accordance with law. This Court further deems it apposite to clarify that any observation/finding made in the impugned order shall not prejudice the Authority in any manner in passing a fresh order in the light of the present order.

Writ application stands disposed of.

(Kishore Kumar Mandal, J)

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