

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10521 of 2010

- 
1. Shastri Lal Baitha son of Late Ram Autar Baitha R/O Vill. & P.O. Pakauli Bado, P.S.- Fulwaria, District- Gopalganj, at present posted and working as Panchayat Teacher in newly created Govt. Primary School Bishunpura, Anchal Fulwaria, District- Gopalganj
 2. Anita Kumari daughter of Anand Mishra, W/O Sudhir Thakur R/O Vill.- Sanhula, P.S.- Gopalganj, Distt.- Gopalganj, At Present Posted And Working As Panchayat Teacher In Newly Created Govt. Primary School Bishunpura, Anchal Fulwaria, Distt.- Gopalganj
 3. Mala W/O Shri Sanjay Rai R/O Vill.- Hajiyapur Kaithwalia, P.O. & P.S. Gopalganj, Distt.- Gopalganj, at present posted and working as Panchayat Teacher In Govt. Primary School Selar Khurd, Anchal Fulwaria, Distt.- Gopalganj

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Divisional Commissioner, Saran Division at Chapra
5. The District Magistrate, Gopalganj
6. The Deputy Development Commissioner-cum-Chairman, District Education Establishment Committee, Gopalganj
7. The District Superintendent of Education, Gopalganj
8. The Block Development Officer, Fulwaria, Distt.- Gopalganj
9. The Block Education Officer, Fulwaria, Distt.- Gopalganj
10. The Mukhiya of Gram Panchayat Raj Pakauli Bado, Block- Fulwaria, Distt.- Gopalganj
11. The Panchayat Secretary of Gram Panchayat Raj Pakauli Bado, Block- Fulwaria, Distt.- Gopalganj
12. The Member, District Teacher's Employment Appellate Authority, Gopalganj
13. Baliram son of Baleshwar Ram R/O Vill.- Chaurawn, P.O. and P.S.- Thawe, District- Gopalganj
14. Raushan Jahan D/O Late Ahamad Hussain R/O Vill. & P.O.- Layeen Bazar, P.S.- Fulwaria, Distt.- Gopalganj
15. Saheb Raza Hussain S/O Md. Harish Mian R/O Vill.-....., P.S.- Fulwaria, Distt.- Gopalganj

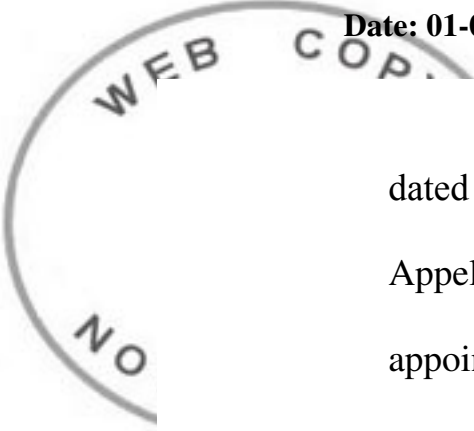
.... Respondents

Appearance :

For the Petitioners	:	Mr. UMESH KR.MISHRA, ADV.
For the State	:	Mr. Udai Shankar Singh, A.C. To G.A.-2
For the Respondent No. 13 :		Mr. Prabhat Kumar Singh, Adv.
		Mr. Lokesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 01-07-2015



This is an application seeking quashing of the order dated 03.11.2009 passed by the District Teacher's Appointment Appellate Authority, Gopalganj whereby he has cancelled the appointments made on the post of Panchayat Teachers of Gram Panchayat Raj Pakauli Bado, in Fulwaria Block of Gopalganj, for the employment year 2006.

2. It is the case of the petitioners that by the said order dated 03.11.2009, the appellate authority has quashed the appointment of these petitioners without giving them any opportunity of being heard. It is the specific case of the petitioners that, as a matter of fact, not even notices were issued to the persons, who were going to be adversely affected by the said order dated 03.11.2009.

3. I find that from the ordersheet of the appeal-proceedings before the Appellate Authority, brought on record by way of Annexure-28 to the writ application, that the contention of the petitioners that no notices were issued to them before passing the impugned order is correct.

4. The impugned order dated 03.11.2009, passed by the District Teacher's Appointment Appellate Authority, Gopalganj issued vide Memo No. 2364 dated 03.11.2009 in case of Kumari

Manorma & Ors. versus The State of Bihar & Anr. is quashed. The matter is remitted back to the District Teacher's Appointment Appellate Authority, Gopalganj for consideration of the dispute afresh and for deciding the dispute after giving the parties, due opportunity of being heard.

5. To expedite the disposal of dispute before the District Teacher's Appointment Appellate Authority, Gopalganj upon remand in terms of the present order, I direct the petitioners as well as respondents no. 13, 14 and 15 to appear before the Appellate Authority on 15.07.2015. If need be, the tribunal may issue notices to other concerned parties and decide the matter finally, within a period of six months thereafter.

6. This application is allowed with the observation as aforesaid.

7. There shall, however, be no order as to costs.

(Chakradhari Sharan Singh, J.)

Vats/-

U			
---	--	--	--