

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14409 of 2010

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1. Shiv Shankar Kumar S/O Rameshwar Prasad Yadav R/O Vill Neema,
P.O.Khadauwa, P.S.Atari, Distt-Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Gaya, Distt-Gaya
3. The District Superintendent Of Education Gaya
4. The Sub Divisional Officer Neemchak, Bathani, Gaya
5. The Mukhiya , Gram Panchayat North Kajur, P.S.Atari, Distt-Gaya
6. The Panchayat Secretary, Gram Panchayat North Kanur, P.S.Atari, Distt-Gaya
7. Satish Kumar S/O Shri Jagdish Prasad R/O Vill Sira, P.O.Sewtar, P.S.Atari,
Distt-Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh
Mr Navjot Yeshu

For the Respondent/s : Mr. Sanjay Prasad, AC to AAG 6
Mr Amit Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-04-2015

Heard counsel for the petitioner, counsel for the State and
the private respondent.

Initially, the Court was reluctant to accept the fact
especially the statement made in paragraph 17 of the writ application
that at no point of time the petitioner was heard before the impugned
order contained in Annexure- 3 was passed by the District Teachers
Employment Appellate Authority, Gaya especially after having a
look at Annexure- B annexed with the counter affidavit of the private
respondent.

However, after going through the entire length of the

order contained in Annexure- 3, the Court finds it strange that the fall out of the order of the Tribunal is on the fate of the petitioner but there is no discussion whatsoever with regard to his status or his submission or the right of the present petitioner as to how it was going to be affected by the decision and for what reason.

This reinforces the submission of the counsel for the petitioner that the Member of the District Teachers Employment Appellate Authority has passed a kind of ex parte order against the petitioner which has civil consequences for him.

The writ application, therefore, is allowed. The impugned order contained in Annexure- 3 is quashed. If the private respondent wants, he can move the authority for fresh adjudication after due impleadment of the petitioner and notice to him.

(Ajay Kumar Tripathi, J)

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