

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10688 of 2015

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Raushan Kumar & Ors			Petitioners
	Versus		
The State of Bihar & Ors.	...		Respondents

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Advocate Mr. Rajeev Kumar Singh
For the State	:	Mr. Rewati Kant Raman, AC to GP 31
For Respondent Nos.5 & 6:		Md. Amir Akhtar Mr. Mahtab Alam
For Respondent No.7	:	Md. Naushadduzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

3 16-12-2015 Pursuant to the advertisement published in the year 2008, the petitioners were appointed in the year 2010 as Panchayat Teachers in Gram Panchayat Raj Adhkaparia, Block Ramgarhwa in the district of East Champaran. Some complaints were made against the appointment of these petitioners before the Teacher's Employment Appellate Authority.

On hearing the complaint, the Teacher's Employment Appellate Authority vide its memo No.178 dated 25.6.2015 terminated the services of the petitioners on the alleged ground of commission of forgery.

Learned counsel for the petitioners submits that there was no forgery as applications were received by two different authorities and receipt numbers were common in some cases. Had the petitioners been made party in the aforesaid complaint, they could have explained the position.

Without going into the merit of the issue, I would broadly agree with the submissions of the petitioners that they ought to have been made parties and ought to have been noticed before the Appellate Tribunal.

I find that the impugned order passed against the petitioners without notice to them would be violative of principle of natural justice and their inherent right to defend themselves.

In the result this writ application succeeds. The impugned order dated 25.6.2015 passed by the District Teacher's Employment Appellate Authority, East Champaran, Motihari in Appeal Case No.903 of 2014 terminating the services of the petitioners is set aside with liberty to respondent No.2 to proceed afresh against them in accordance with law.

It goes without saying that as the impugned order passed by the District Teacher's Employment Appellate Authority, East Champaran, Motihari has been set aside, the petitioners would be reinstated in service provisionally and on their undertaking subject to final adjudication by the Appellate Authority.

(Samarendra Pratap Singh, J)

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