

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.3 of 2015

IN

Civil Writ Jurisdiction Case No. 3338 of 2013

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Afzal Hussain, aged about 28 years, son of Md. Mustafa Ansari resident of Village and P.O. - Sadisopur, P.S. - Bihta, District - Patna (at present Member of Village Panchayat Ward Member of Ward No. 8), Chairman, Shiksha Samiti Urdu Primary School, Sadisopur, Bihta, Patna.

.... Appellant

Versus

1. The State of Bihar.
2. The District Magistrate (Collector), Patna.
3. District Superintendent of Education, Patna.
4. Deputy Development Officer, Patna.
5. Block Education Officer-cum-Registrar, Bihta, Patna.
6. The Incharge Officer, District Mid-day Meal Yojna, Patna.

.... Respondents

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Appearance:

For the Appellant : Mr. Nawab Zada Syed Md. Babar Hayat Quadri,
Advocate

For the Respondents: Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-02-2015

I.A. No. 3 of 2015

This Interlocutory Application is filed with a prayer to condone the delay of 116 days in filing the appeal.

Learned counsel for the appellant submits that application for obtaining certified copy of order of the writ petition was filed on 23.09.2014, and there was delay on the part of the office of the Court in furnishing the certified copy. Strictly speaking, there was no delay in filing the appeal. We are

satisfied with the reason given by the appellant to condone the delay. We accordingly condone the delay.

The Interlocutory Application is allowed.

L.P.A. No. 3 of 2015

The appellant claims to be the Chairman of the School Education Committee, Urdu Primary School, Sadisopur, Bihta, Patna. He filed CWJC No. 3338 of 2013 challenging the order dated 02.01.2013 passed by the 6th Respondent. The learned Single Judge dismissed the writ petition. Hence, this appeal.

Heard Sri Nawab Zada Syed Md. Babar Hayat Quadri, learned counsel for the appellant.

In the School in question, two women, namely, Droupadi Devi and Noor Jahan Begum were employed to work in the kitchen. The School Education Committee is said to have dismissed those two women employees from service, through resolution dated 10.09.2012. A copy of the order of removal was forwarded to the Block Education Officer, Bihta, Patna, the 5th Respondent herein. He in turn forwarded the order of removal, together with his comments to the 6th Respondent, through his order dated 02.01.2013. The 6th Respondent has set aside the order of removal. He observed that the basic principles of law were not followed and the employees were not given opportunity. Another observation was that the members of the

Committee were trying to settle their personal scores with the husband of one of the employees. The appellant filed the writ petition, challenging that order.

The learned Single Judge dismissed the writ petition. One of the reasons mentioned therein is that the petitioner did not implead the two employees whose services were terminated. Certain other reasons were also mentioned.

We find it difficult to entertain this writ appeal for more reasons than one. Firstly the petitioner filed the writ petition in his individual capacity, but not through the Committee. Secondly, no notice whatsoever was issued to the employees before their services were terminated and there was a patent violation of principles of natural justice. Thirdly, when the 5th Respondent has made several observations on the letter dated 10.09.2012 addressed by the appellant none of them were contradicted. At any rate, the appellant did not implead the affected persons, as parties to the writ petition.

Therefore, the appeal is dismissed.

Interlocutory Applications, if any, stands disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

Chandran/Md.Ibrarul

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(Vikash Jain, J)