

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1809 of 2016

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1. Shishir Kumar Roy s/o Sri Chandrabhushan Roy resident of village Bhirha, PS
Rosera, District Samastipur Petitioner/s

Versus

1. The State of Bihar.
2. The District Education Officer, Samastipur.
3. The District Teachers Appointment Appellate Authority, Samastipur through its Member.
4. The Member, District Teachers Appointment Appellate Authority, Samastipur.
5. The Managing Committee, Sri Nilmani Kedarnath Inter College, Bhirha, Rosera, Samastipur through its Secretary.
6. The President, Managing Committee, Sri Nilmani Kedarnath Inter College, Bhirha, Rosera, Samastipur.
7. The Secretary, Managing Committee, Sri Nilmani Kedarnath Inter College, Bhirha, Rosera, Samastipur.
8. The Principal, Sri Nilmani Kedarnath Inter College, Bhirha, Rosera, Samastipur.
9. Santosh Kumar Roy s/o Sri Chandrbhusan Roy resident of village Bhirha, PS Rosera, District Samastipur, presently working as Lecturer, Geography Department, Sri Nilmani Kedarnath Inter College, Bhirha, Rosera, Samastipur.
10. Yashwant Kumar Roy s/o Sri Yugeshwar Roy presently working as Lecturer, Sociology Department, Sri Nilmani Kedarnath Inter College, Bhirha, Rosera, Samastipur

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr A.K.Jha, Sr. Advocate
Mr. Sanat Kumar Mishra
For Respondents 9 & 10 : Mr. B.K.Sinha, Sr. Advocate
Ms Madhuri Lata
For Respondent No.8 : Mr Sunil Kumar
For the State : Mr Anirban Kundu, SC 24

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-10-2016

The order passed in Appeal No.11 of 2014 by the District Teachers Employment Appellate Authority, Samastipur dated 6.2.2015 is under challenge in the present writ application. A pointed statement has been made in the writ application in paragraphs 9 and 12 that neither this petitioner was impleaded in the said proceeding nor was there any cause raised against him initially, however, the

Tribunal without giving an opportunity of hearing has passed an order, which has civil consequences for him.

In view of the above, the impugned decision suffers from vice of violation of principles of natural justice.

None of the respondents are in a position to rebut and take a stand contrary to what has been categorically stated in paragraphs 9 and 12 of the writ application. Obviously, either the Presiding Officer of the Tribunal is not well versed with the law or he has no judicial experience to conduct a quasi- judicial proceeding otherwise such an omission would not have occurred in passing such an order.

The said Presiding Officer needs to be careful in conduct of such proceedings or else if the occasion arises, the Court may have to pass adverse orders against him even directing his removal.

Giving the benefit of doubt to the Presiding Officer, the impugned order dated 6.2.2015 passed in Appeal No.11 of 2014 is quashed. Matter is remanded back for fresh consideration after impleading the petitioner and giving him an opportunity of hearing.

Writ is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.10.2016
Transmission Date	