

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6503 of 2016

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1. Dharamveer Kumar Son of Sri Bodhan Sharma resident of Village : Lalpur, P.S.: Muffasil, District : Begusarai.
 2. Kumari Punam W/o Anil Kumar resident of village - Ram Chandrapur, P.S. Bachhwara, District - Begusarai.
 3. Shanti Kumari D/o Ram Lagan Prasad Singh resident of village - Ratanpur, P.S. - Town Begusarai, District - Begusarai.
 4. Manoj Kumar Sharma Son of Hardeo Sharma resident of village - Panhas, P.S. - Town Begusarai, District - Begusarai.
 5. Shivdutta Kumar Singh Son of Prabhash Chandra Singh resident of village - Panhas, P.S. - Town Begusarai, District - Begusarai.
 6. Dilip Kumar Son of Ramchandra Thakur resident of village - Panhas, P.S. - Town Begusarai, District - Begusarai.
 7. Nitu Kumari D/o Chandrashekhar Prasad resident of village - Poharchak, P.S. - Muffasil, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The Deputy Development Commissioner, District - Begusarai.
5. The District Panchayati Raj Officer, Begusarai.
6. The District Program Officer (Establishment), Begusarai.
7. The District Educational Officer, District - Begusarai.
8. The Block Development Officer, Begusarai Block, Begusarai, District - Begusarai.
9. The Block Education Officer, Begusarai, District - Begusarai.
10. The District Teacher Employment Appellate, Tribunal Begusarai, through its member.
11. Ajeet Kumar Choudhary Son of Ramdeo Choudhary resident of village - Paharchak ward no. 27, P.S. - Town Begusarai, District - Begusarai.
12. Guddi Kumari W/o Ajeet Kumar Choudhary resident of village - Paharchak ward no. 27, P.S. - Town Begusarai, District - Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the State : None
For the Pvt. Respondents : Mr Nakul Kumar Jamuar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-07-2016

Despite a direction issued by the Court, the State authorities have not filed any counter affidavit nor is there any counsel for the State present today.

A categorical statement has been made by the petitioner in paragraph 14 that while hearing Appeal No.7 of 2014 and 8 of 2014 the present petitioner was neither made a party nor given a notice or opportunity to explain his stand and position and despite that, the order of the Tribunal has serious fall out on his right of continuing on the post as a Teacher. This position is not denied by the counsel representing the private respondents.

If that be so then the impugned order passed by the District Teacher Employment Appellate Authority, Begusarai contained in Annexure- 1 is required to be interfered and set aside for having violated rules of natural justice to the petitioner.

Let the petitioner appear before the Tribunal with a copy of this order within two weeks from today. Petitioner will thereafter be impleaded as a party respondent and all the appellants and the respondents will be heard afresh and a fresh order would be passed by the District Teacher Employment Appellate Authority. If the petitioner fails to produce this order, this order will not take effect.

Writ is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.7.2016
Transmission Date	