

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23391 of 2011

Suresh Kumar, Son of Sri Nawab Ram, Resident of Bhulukuaon, P.S.- Piro,
District- Bhojpur (Ara)

.... Petitioner.

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Human Resources Development Department, Govt. of Bihar, Patna
4. The District Education Officer, Bhojpur (Ara)
5. The Block Development Officer, Block - Tarari, District- Bhojpur (Ara)
6. The Block Education Officer, Block- Tarari, District- Bhojpur (Ara)
7. The Member, District Teacher Employment Appellate Authority, Bhojpur (Ara)
8. The Mukhiya, Gram Panchayat Raj Bhakura, Block- Tarari, District- Bhojpur (Ara)
9. The Panchayat Secretary, Gram Panchayat Raj, Bhakura, Block- Tarari, District- Bhojpur (Ara)
10. Mr. Upendra Kumar Paswan, Son of Radhe Krishna Ram, Resident of Village- Narayan, P.S.- Tarari, Block- Tarari, District- Bhojpur (Ara)

.... Respondents

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
: Mr. Priyadarshi Sharan Maity, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-25
: Mr. Upendra Pratap Singh, AC to SC-25
For Private Respondent: Mr. Manoj Kumar, Advocate
: Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 22-01-2016

Heard learned counsel for the Petitioner, State and respondent no.10.

The petitioner has assailed the impugned order dated 10.10.2011, contained in Memo No. 509 dated 19.10.2011, passed by the Member, District Teacher Appointment Appellate Authority, Bhojpur, Ara (herein after referred to as 'the Appellate Authority') in

Appeal No. 275 of 2010.

The petitioner submits that the impugned order cancelling his appointment has been passed without making him a party respondent and without issuing him a show-cause notice.

Counsel for respondent no.10 has appeared and opposed the relief prayed for by the petitioner. He submits that despite repeated notice, the Panchayat Secretary did not produce any papers before the Appellate Authority.

Even I accept the submission of respondent no.10, still the question remains whether the petitioner was noticed or not.

Counsel for respondent no. 10 submits that he had secured 71.33 marks whereas the petitioner secured much less marks. He further submits that in all respect his candidature is more meritorious than that of the petitioner.

This Court at present is not go into the merit of the case. The respondent no.10 would have a full opportunity to place his case before the Appellate Authority to which the matter is being remanded.

It goes without saying that the Appellate Authority would consider all the papers and documents produced by respondent no.10 as well as the petitioner.

As the impugned order has been passed in breach of

the principles of natural justice, the same is set aside and the matter is remitted to the Appellate Authority for fresh adjudication within a period of four months from the date of receipt of a copy of this order.

It will be open for the petitioner to make a prayer for grant of legitimate remuneration.

With the aforesaid observation, this application is allowed.

(Samarendra Pratap Singh, J.)

Uday/-

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