

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9176 of 2014

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Priti Kumari, Daughter of Devendra Prasad Singh, Resident of Village-Narayanpur, P.O. - Bima Lakhan Sen, P.S. - Mahua, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
 2. The Director, Primary Education, Government of Bihar, Patna.
 3. The District Education Officer, Sitamarhi.
 4. The Block Education Officer, Bairgania, District Sitamarhi. Respondents
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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Respondent/s : Mr. S. Rahman, AC to SC 7

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 14-07-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner was appointed as Prakhanda Teacher in Rajkiya Middle School, Bengahi, under Bairgania Block in the district of Sitamarhi and accordingly joined on 20.08.2010.

3. It appears that against such appointments, petitions were filed before Appellate Tribunal, District Teachers Employment, Sitamarhi giving rise to different appeals. All the appeals were heard analogously. Case No. 96 of 2010 relates to appointment of petitioner and one Rahul Kumar.

4. The Tribunal on consideration of complaints observed that all the appointment of the teachers, save and except this petitioner and one Rahul Kumar were legal.

5. The petitioner submits that the impugned order has been passed without any notice and providing an opportunity of hearing. She apprehends that pursuant to the order of the Appellate Tribunal, any time her termination order can be issued by the appointment authority. She states that no retrenchment order has been passed till date.

6. The petitioner submits that exactly in identical case, this Court has allowed the writ application of one Rahul Kumar, bearing C.W.J.C. No. 9115 of 2014, disposed of on 16.05.2014.

7. I find that the case of the petitioner is too identical in nature to that of Rahul Kumar (C.W.J.C. No. 9115 of 2014).

8. Accordingly, the order passed by the Appellate Tribunal is set aside and the matter is remitted to the Appellate Tribunal, Sitamarhi to consider the matter afresh, after providing a hearing to the petitioner. The petitioner must appear before the Appellate Tribunal, Sitamarhi within six weeks with a copy of this order, whereupon the learned Tribunal will proceed in accordance with law.

9. This application stands allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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