

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22965 of 2012

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Raj Kumar Paswan, Son of Chandrika Paswan, resident of Village - Muzaffarpur,
P.S.- Noorsarai , District- Nalanda

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna
2. The District Education Officer, Kaimur (Bhabua)
3. The Block Education Officer, Block Bhagwanpur, District - Kaimur (Bhabua)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Advocate

For the Respondent/s : Mr. Vinay Kriti Singh, SC5

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 08-03-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner seeks quashing of the order dated 26.05.2012, passed by the District Education Officer, Bhabhua whereby his service has been terminating on the ground that he has obtained his training certificate from Gandhi Hindi Vidyapeeth, Allahabad, which is not a recognized institution.

3. The petitioner submits that his name figured amongst the 34540 Assistant Teachers, whose names were approved by the Hon'ble Apex Court on the recommendation of the Bihar Staff Selection Commission, and consequently he was appointed in upgraded Middle School, Dadra, Bhagwanpur in the district of

Kaimur (Bhabua). The petitioner further submits that the impugned order has been passed without even issuing a show-cause notice to him.

4. I find substance in the submission of the petitioner. The petitioner's name was approved amongst the 34540 Assistant Teachers by the Hon'ble Apex Court, pursuant to which he was appointed.

5. In this view of the matter, the respondents could not have terminated the services of the petitioner without providing a show-cause notice.

6. In the result, the impugned order, dated 26.05.2012, passed by the District Education Officer, Bhabhua, is set aside with liberty to proceed afresh in accordance with law.

7. With the aforesaid observation, this application stands allowed.

(Samarendra Pratap Singh, J.)

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