

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7640 of 2013

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1. Parsuram Kumar, son of Rabhubir Paswan, resident of Village Gora, P.O. Parsa Kothi, P.S. Sanichari, District West Champaran (Bettiah)
 2. Manoj Kumar, son of Sri Hira Prasad, resident of Village Harpurwa, P.O. Bagahi, P.S. Yogapatti, District West Champaran
 3. Jitendra Mahto, son of Kisun Mahto, resident of Village Lawkariya P.O.+P.S. Yogapatti, District West Champaran (Bettiah)
 4. Suresh Yadav, son of Brichha Yadav, resident of Village Dhabelwa, P.O. Jaralpur, P.S. Yogapatti, District Wet Champara (Bettiah)
 5. Kumari Sashi, D/O Raj Kishore, Village Gora, P.O. Parsa Kothi, P.S. Sanichari, District West Champaran (Bettiah)
 6. Mantu Thakur, son of Sri Keshwar Thakur, resident of Village Garbhuwa Lala Tola, P.O. Turhapatti, P.S. O.P. Sirisiya, District West Champaran (Bettiah)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Programme Officer (Establishment), West Champaran (Bettiah)
4. The District Education Officer, West Champaran (Bettiah)
5. The Block Development Officer, West Champaran (Bettiah)
6. The Block Education Officer, Yogappatti, District West Champaran (Bettiah).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 7701 of 2013

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1. Basant Kumar Rai S/O Late Nageshwar Rai Resident Of Village - Siswa - Bhumihar, P.O. Sheorajpur, P.S. Nawalpur, Prakhand - Yogapatti, Distt - West Champaran At Bettiah
2. Santosh Kumar Rai S/O Late Sudama Rai Resident Of Village - Siswa - Bhumihar, P.O. Sheorapur, P.S. Nawalpur, Prakhand - Yogapatti, Distt - West Champaran At Bettiah
3. Anupam Kumar S/O Birendra Kumar Resident Of Village - Shivpatti, P.O. Machhargawan Bazar, P.S. Yogapatti, Prakhand - Yogapatti, Distt - West Champaran At Bettiah
4. Navin Kumar Rai S/O Sri Nand Kishore Rai Resident Of Village + P.O. Nawalpur, P.S. Nawalpur (Yogapatti), Prakhand - Yogapatti, Distt West Champaran At Bettiah
5. Ashok Kumar S/O Ramnath Prasad Resident Of Village - Lakshmipur, P.O. Puraina, P.S. Yogapatti, Prakhand - Yogapatti, Distt - West Champaran At Bettiah

.... Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
2. The Director, Primary Education, Govt. Of Bihar, Patna
3. The District Programme Officer (Establishment) , West Champaran (Bettiah)

4. The District Education Officer, West Champaran (Bettiah)
5. The Block Development Officer, West Champaran (Bettiah)
6. The Block Education Officer, Yogapatti, Distt - West Champaran (Bettiah)
7. Gram Panchayat , Siswa - Bhumihaar, P.O. And Block - Yogapatti, Distt - West Champaran Through Its Secretary
8. Gram Panchayat Dhadhwa, P.O. And Block - Yogapatti, Distt - West Champaran Through Its Secretary
9. Gram Panchayat Basopatti, P.O. And Block - Yogapatti, Distt - West Champaran Through Its Secretary

.... Respondent/s

Appearance :

(In CWJC No.7640 of 2013)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Mukesh Kumar Singh, Advocate.

For the Respondent/s : Mr. Uday Shankar Sharan Singh, GpPr
Mr. Uday Bhan Singh, AC to GP2

(In CWJC No.7701 of 2013)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Mukesh Kumar Singh, Advocate.

For the Respondent/s : Mr. Sharad Kumar Sinha, GP15
Mr. Amit Kumar Anand, AC to GP15

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-06-2016

In both the cases identical issues have been raised and as such they have been heard together and are being disposed of by this common judgment.

For convenience the facts of C.W.J.C. No.7640 of 2013 are being taken into consideration for disposal of the case. In the present writ petition the petitioners have prayed for quashing the order dated 22.12.2012 issued by the District Education Officer, West Champaran (Bettiah) by which he has directed the Block Education Officer to remove such Panchayat/Block Teachers who are possessing qualification certificate from

Nababharat Shiksha Parishad, Orissa.



In the present case all the petitioners have been appointed as Panchayat-cum-Block teachers later on when in enquiry it was found, the entry of the petitioners are based on the certificate issued by Nababharat Shiksha Parishad, Orissa is the only reason for dispensing with the services of the petitioners. Some necessary facts are, the petitioners have applied for Panchayat-cum-Block teachers on the basis of the intermediate qualification as well as B.Ed. qualification issued by Nababharat Shiksha Parishad, Orissa. After appointment it transpired to the Government that large number of persons have entered into service through a certificates either fake certificate or certificates issued by an institution, not recognized by the State of Bihar.

A plea has been taken by the State that the said institution is a voluntary institution and the same has not been recognized by the NCTE nor State of Bihar has recognized that institution that led to termination of these persons. Though the petitioners have raised different points but this Court does not feel to deal with the same at the present juncture as it can be disposed of on a short point on the admitted fact that petitioners have entered into service of Panchayat/Block Teacher were discharging their respective duties but without giving any show cause and without

following the minimum requirement of natural justice their services have been dispensed with. If a person has already entered into service it was required for the authority to the minimum extent that before dispensing with the service he should have given a show cause and asked explanation from him only then they should have taken any decision in the matter.

In such view of the matter, as the petitioners were not served with any show-cause or explanation in such circumstance the order dated 22.12.2012 is set aside. However, respondents are directed to take action after following the natural justice as stated hereinabove.

With the aforesaid observations these writ petitions are disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.7.2016
Transmission Date	