

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5570 of 2016

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Priya Sinha, D/o Sri Durga Prasad, R/o Vill- Pokharpur, P.O- Pawapuri, P.S.-
Giriak, Nalanda.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Education, Bihar, Patna.
4. The District Magistrate, Nalanda, at Biharsharif,
5. The District Education Officer, Nalanda at Biharsharif.
6. The District Programme Officer, Nalanda at Biharsharif.
7. The Block Development Officer, Giriak Block, Nalanda.
8. The Block Education Officer, Giriak Block, Nalanda.
9. The Panchayat Secretary, cum Member Secretary, Selection Unit, Gram Panchayat Raj, Gajipur, Nalanda.
10. Mukhiya cum Chairman, Selection Unit, Gram Panchayat Gajipur, Nalanda.
11. Amrendra Kumar, S/o Sri Naresh Singh, r/o Vill- Puri, P.O- Pawapuri, P.S.-
Giriak, Distt.- Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Respondent/s : Mr. GP2- RAJIV KR.SINGH

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 29-04-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner seeks quashing of the order, dated 12.03.2016, issued under the signature of Secretary and Chairman-cum- Mukhiya, Panchayat Teacher Selection Unit, Gram Panchayat Raj, Gajipur, Giriak, Nalanda with consequential reliefs.

3. It appears that one Amrendra Kumar filed writ application, bearing C.W.J.C. No. 20085 of 2010, in which he made



one Vijay Kumar, as private respondent no.9. The aforesaid Amrendra Kumar had raised a grievance that though he had 86.44% marks, still a person with lower aggregate has been appointed. A Bench of this Court vide order, dated 14.05.2014, disposed of the writ application directing the Niyojan Samittee to act in accordance with law, also observing that no person can be removed without giving a fair opportunity of hearing.

4. Pursuant to the aforesaid order, a show-cause notice was given to the petitioner, on 06.01.2016, to which she submitted her explanation, on 12.01.2016. Not being satisfied with her reply, the Niyojan Samiti removed her from the post of Panchayat Teacher.

5. The petitioner submits that Amrendra Kumar belonged to general category and his claim would be considered only against a post reserved for general category. She submits that she belonged to extremely backward class category and she ought not to have been removed for accommodating Amrendra Kumar, who belonged to another category.

6. The matter would require adjudication of the facts and as such the case of the petitioner is remitted to the Niyojan Samiti, Gram Panchayat Raj, Gajipur, Giriak, Nalanda for fresh consideration after giving an opportunity to explain her case. It is cautioned that any one likely to be affected by the fresh order to be passed by the

Niyojan Samiti, should also be noticed. The Niyojan Samiti would complete the entire process within a period of four months from the date of receipt of a copy of this order.

7. With the aforesaid observation this application stands disposed of.

(Samarendra Pratap Singh, J.)

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