

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9405 of 2016

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Amna Khatoon, W/o Md. Zakir Hussain, resident of Village - Sikorna, P.O. - Jhaua,
P.S. - Kadwa, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources and Development, Bihar, Patna.
2. The District Teachers Appointment Appellate Tribunal, Katihar.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer, Establishment, Katihar.
6. The Block Development Officer, Azamnagar, District - Katihar.
7. The Block Education Officer, Azamnagar, District - Katihar.
8. The Mukhiya, Gram Panchayat Raj, Mukuria, Azamnagar, Katihar.
9. The Panchayat Secretary, Gram Panchayat Raj Mukuria, Azamnagar, Katihar.
10. Rajiv Kumar S/o Late Sakhi Chandra Paswan Village - Dilawar Pur, Kali Tazia, P.O. & District - Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ataur Rahman, Advocate
For the State	:	Mr. Ramadhar Singh, G.P. 25
For the Respondent No. 9	:	Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the petitioner; State;
respondent no. 9 and respondent no. 10.

2. Despite valid service of notice on respondent no. 8,
nobody was present on his behalf when the case was taken up.

3. The petitioner has moved the Court for the following
reliefs:

(i) For quashing Letter No. 01 dated 06-02-16 issued under the signature of Panchayat Secretary and Mukhiya of Gram Panchayat Raj Mukuriya, Block-Azamnagar, Katihar by which the service of the petitioner as Panchayat Teacher has been



terminated in the light of order of District Appellate Authority dated 30.10.2015 contained in Memo No. 313.

(ii) For quashing part of the order of District Appellate Authority dated 30-10-2015 contains in Memo No. 313 passed in Appeal Case No. 50 of 2013 by which petitioner is affected and the same was passed without making the petitioner as party.

(iii) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

4. In sum and substance, the contention of learned counsel for the petitioner is that the orders impugned have been passed behind her back as she was not even made party in the same and still, her appointment has been held to be illegal. It was further submitted that in terms of the said order, consequential action has been taken by the authorities by which she has been removed from service.

5. Learned counsel for the petitioner submitted that the order passed by the District Teachers Employment Appellate Authority, Katihar in Appeal Case No. 50 of 2013, is absolutely unsustainable for the reason that an order has been passed against the petitioner though she was neither party before it or was ever noticed or heard in the matter.

6. On this short point, when the Court called upon learned counsel for the State as well as the respondents no. 9 and 10,



they do not deny the position.

7. In view thereof, on the short point of there being violation of principles of natural justice, the writ petition stands allowed. The order dated 30.10.2015, passed by the District Teachers Employment Appellate Authority, Katihar in Appeal Case No. 50 of 2013, stands set aside. All consequential action taken in light of the said order, including the order dated 06.02.2016, by the respondent no. 9 also stands set aside. The matter is remanded to the District Teachers Employment Appellate Authority, Katihar and Appeal Case No. 50 of 2013, stands restored to be heard on merits, in accordance with law after giving due opportunity of hearing to all concerned including those who have already been appointed and against whom there was a finding of their appointment being illegal.

(Ahsanuddin Amanullah, J.)

P. Kumar

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