

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17172 of 2009

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Nitesh Kumar S/o Ram Lakhan Ram, Resident of Village- Sahid Chauk Thana
Road, Ward No. 13, Jainagar Town, P.O + P.S- Jainagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Superintendent of Education, Madhubani.
4. The Block Education Extention Officer (B.E.E.O.) Block- Jainagar, District- Madhubani.
5. The Block Development Officer, Jainagar, District- Madhubani.
6. The Sub Divisional Officer, Madhubani, District-Madhubani.
7. The Panchayat Secretary-cum-Jansevak, Dullipatti, Gram Panchayat, Block- Jainagar, District- Madhubani.
- 7A. The Member, Teachers Employment Appellate Tribunal, Madhubani.
8. Laxmi Mandal, S/o Late Ram Sundar Mandal, Mukhia of Dullipatti, Gram Panchayat, P.S Jainagar, District- Madhubani.
9. Anil Kumar Azad, S/o Jagir Paswan Village- Pragati Nagar Bhauara, P.S- Town, P.S- Madhubani, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Ravi Kumar Singh, Advocate
For the Respondent No. 9	:	Mr. Vishwanath Prasad Sinha, Sr. Advocate Mr. Yugal Kishore, Advocate
For the State	:	Mr. Nishant Kumar Jha, A.C. to S.C. 28

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-03-2017



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

The challenge in the present writ application is to the order dated 16.03.2009 passed in Case No. 05 of 2008 by the District Teachers Employment Appellant Authority, Madhubani (hereinafter referred to as the 'Authority') by which the petitioner has been removed from the post of Panchayat Teacher.

It is an admitted position at the Bar that the said order was passed without notice to the petitioner and thus on such point, in the considered opinion of the Court, the order cannot be sustained.

Accordingly, the same is set-aside. The matter is remanded to the Authority for fresh consideration. The parties are directed to appear before the Authority on 28th March, 2017 along with a copy of this order and the Authority shall thereafter hear the parties on merits. The parties shall be at liberty to raise all points available to them, including the point of jurisdiction. The parties shall be at liberty to file their pleadings afresh, if so desired. The Authority shall pass orders within three months.

The writ application stands disposed off in the aforementioned terms.

In the meantime, the petitioner may file



representation before the respondents no. 5, who shall verify the fact as to whether the petitioner was working on the post and if it is found that he was working, he shall be given his salary for the said period.

(Ahsanuddin Amanullah, J.)

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