

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3312 of 2011

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Rajendra Prasad Sah @ Rajendra Sah S/O Sri Jamun Sah, R/O Village - Lage
Suraiti, P.S. - Bhawanipur, Distt. - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of HRD, Govt. Of Bihar, Patna
3. The Director, Primary Education, HRD Department, Govt. Of Bihar, Patna
4. The District Magistrate, Purnea
5. The District Superintendent of Education, Purnea
6. The Block Development Officer, Bhawanipur Block, Purnea
7. The Block Education Officer, Bhawanipur, Purnea
8. The Mukhiya, Suraitati Gram Panchayat, Bhawanipur Block, Purnea
9. The Panchayat Secretary, Suraiti Gram Panchayat, Bhawanipur Block, Purnea

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Gyan Nand Roy, Advocate
Mr. Indeshwari Md. Mandal, Advocate

For the State : Mr. Jitendra Kr. Roy-1, SC-13

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

Date: 05-07-2017

In the present writ application, the petitioner has sought for quashing of Memo No.01 dated 24.12.2010 issued by the Panchayat Secretary, Suraiti Gram Panchayat against his removal from the post of Panchayat Teacher without giving the petitioner an opportunity of hearing and in violation to the principles of natural justice.

The petitioner was engaged on the post of Shiksha Mitra in the year 2003. Subsequently the post of Shiksha Mitra was abolished and services of Shiksha Mitra was absorbed as a Panchayat



Teacher under 2006 Rules. The petitioner continued on the said post and from time to time he was given training in respect to the different courses relating to his services by the State Government.

The Respondent No.9 vide Annexure-4 dated 24.12.2010 passed an order regarding removal of the petitioner on the ground that the certificate of Madhyama Visharad awarded by Hindi Sahitya Sammelan, Prayag, Allahabad has not been recognized by the State Government. As the certificate in question was not recognized as an equivalent to the Intermediate certificate, the appointment of the petitioner is said to have been declared illegal.

Admittedly, the petitioner was not given any opportunity of hearing prior to passing of Annexure-4, which is the order under challenge. The same amounts to violation of principles of natural justice. The said fact has admitted from the counter affidavit filed on behalf of the State.

Considering the aforesaid facts and circumstances, the order dated 24.12.2010 passed by the Respondent No.9 is hereby quashed and the matter is remitted back to the Respondent No.9, who shall give an opportunity of hearing to the petitioner and after hearing the petitioner necessary order will be passed afresh by the competent authority in accordance with law within a period of thirty days. The petitioner shall appear in person before the Respondent No.9 on 9th of



August, 2017 along with a copy of this order.

With the aforesaid direction and observation, the present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15.07.2017
Transmission Date	N.A.

