

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15619 of 2013

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1. Baby Kumari, wife of Ravi Kant Resident of Village - Salempur, P.S. - Sidhwaliya, District - Gopalganj
2. Shiv Shankar Ram Son of Late Munilal Ram, Resident of Village - Salempur, P.S. - Sidhwaliya, District - Gopalganj

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The Senior Deputy Collector, Gopalganj
4. The District Programme Officer, Literacy, Gopalganj
5. The District Education Officer, Gopalganj
6. The Principal, Rajkiya Middle School, Salempur East, Block - Barauli, District - Gopalganj
7. The Block Education Officer, Barauli, District - Gopalganj
8. The Mukhiya, Gram Panchayat Raj, Salempur East, Block Barauli, Salempur, District - Gopalganj
9. The Panchayat Secretary, Gram Panchayat Raj Salempur East, Block Barauli, District - Gopalganj

.... Respondents

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Appearance:

For the Petitioners : Mr. Ranjan Kumar Srivastava, Advocate
Mrs. Rajani Gandha, Advocate
For the Respondent s : Mr. Indradeo Prasad, SC 27
Mr. Sunil Kumar Singh, AC to SC 27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2017

The present writ petition has been filed for quashing Memo No. 607 dated 10.12.2012 issued by the District Magistrate, Gopalganj, letter no. 67 dated 13.06.2013 issued by the District Programme Officer, Literacy, Gopalganj and letter No. 559 dated 13.06.2013 issued by the Block Education Officer, Barauli, District Gopalganj whereby and whereunder selection of the petitioners for the post of Prerak in Gram Panchayat Salempur East was cancelled; and to allow the petitioners to work on the post of Prerak in Rajkiya Middle School under Gram Panchayat, Salempur East, Block Barauli, District Gopalganj.

2. Learned counsel for the petitioners submits that the cancellation



of the petitioners’ selection on the post of Prerak in Gram Panchayat Salempur East is arbitrary and illegal as such action has been taken without any show cause whatsoever, to the petitioners. It is therefore, submitted that such order of cancellation is unsustainable in law. It is submitted that the petitioner no. 1 has filed representation dated 04.07.2013 for appropriate relief has already been filed before the District Magistrate, Gopalganj (Annexure-8) but the same however, remains pending.

3. Learned counsel for the State appears and has been heard. No counter affidavit has been filed on behalf of the State.

4. Having regard to the nature of the prayer of the petitioners, the writ petition is disposed of with a direction to the District Magistrate, Gopalganj (Respondent No. 2) to consider and dispose of the representation dated 04.07.2013 said to have been filed by the petitioner no. 1, if pending, expeditiously and in any event preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment after grant of an opportunity of hearing to the petitioner no. 1 in accordance with law. The petitioner no. 2 is granted liberty to file a representation, if not already filed, before the District Magistrate, Gopalganj. If any such representation is filed within a period of four weeks from today, the District Magistrate, Gopalganj shall also dispose of the same, as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.07.2017
Transmission Date	N.A.

