

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.501 of 2017

In

Civil Writ Jurisdiction Case No.277 of 2017

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Ajit Kumar Son of Sri Nand Kishore Das Resident of Village - Rampur
Jaypal, P.O. and P.S. Bochaha, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Programme Officer, Establishment, Muzaffarpur.
5. The Block Education Officer, Bandra, District - Muzaffarpur.
6. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Bandra, Block - Bandra, District - Muzaffarpur.
7. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Rampur Dayal, Block - Bandra, District - Muzaffarpur.
8. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Sundarpur Ratwara, Block - Bandra, District - Muzaffarpur.
9. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Tepari, Block - Bandra, District - Muzaffarpur.
10. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Hatha, Block - Bandra, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amish Kumar, Adv.

For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-11-2017

Seeking exception to an order dated 8.2.2017 passed
by the learned Writ Court in C.W.J.C. No.277 of 2017, so far as it
pertains to dismissal of the writ petition filed by the present



appellant Shri Ajit Kumar, this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner was appointed as a teacher in the year 2014 based on the certificate issued to him for having passed the T.E.T. However, after working for about three years, by the impugned order dated 1.12.2016, after about two years, his services have been terminated by indicating that he has submitted a forged eligibility test certificate for seeking appointment. However, it is an admitted position that after working for about two years, on account of producing a forged T.E.T. Certificate, his services were terminated without issuing notice to him, without granting him any opportunity of defence or without following the principles of natural justice. A Co-ordinate Bench of this Court in the case of Chief Post Master General vs. Nirbhay Kumar, 2008 (3) P.L.J.R. 344 has laid down the principle that when penal action is taken and services of an employee is terminated, which has an adverse consequence on the delinquent employee, at least an opportunity of hearing should be granted to him. Even though these grounds were canvassed before the learned Writ Court, the learned Writ Court seems to have dismissed the writ petition because even the T.E.T. certificate, which was alleged to be forged, was not filed.



In our considered view, when it is an admitted position that when the services of the petitioner were terminated for having procured it by producing a forged certificate, an opportunity of hearing was required to be granted to the petitioner and the same having not been done, this itself is sufficient enough to allow the writ petition.

Keeping in view the aforesaid, we allow the petition, quash the order dated 8.2.2017 and grant liberty to the respondents to proceed in accordance with law. The respondents should reinstate the petitioner and thereafter proceed in the matter in accordance with law. For the intervening period, no salary will be paid to the petitioners. So far as the appellant is concerned, it would be dependent upon the final out come of the enquiry conducted by the respondents and the action that they propose to take after such enquiry.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
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