

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11784 of 2011

Along with

Interlocutory Application No. 4929 of 2016

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Rinku Kumari Wife of Rakesh Kumar Resident of Village-Chaudiha P.S.-Jamui
District-Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Member, the District Teacher Selection Appellate Tribunal Jamui.
3. The Education Secretary, Department of Human Resources New Secretariat, Patna.
4. The District Magistrate Jamui.
5. The Block Development Officer Sikandara P.S.-Sikandara District-Jamui.
6. The District Education Officer Jamui.
7. Priya Kumari Wife of Sazan Kumar Resident of Khutkat P.S.-Sikanda District-Jamui.
8. The District Superintendent of Education Jamui.
9. The Block Education Extension Officer Sikandara P.S.-Sikandara District-Jamui.
10. The Panchayat Secretary Gram Panchayat Bhullo Block-Sikandara P.S.-Sikandara District-Jamui.
11. The Mukhiya Gram Panchayat Bhullo Block-Sikandara P.S.-Sikandara District-Jamui.
12. The Principal New Primary School Dhanimatari (Sikandara) P.S.-Sikandara District-Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Sushmita Mishra and Mr. Pramod Kumar, Advocates
For the State	:	Mr. Ashutosh Ranjan Pandey, A.A.G. 15
For the Respondent No. 7	:	Mr. Mrityunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-03-2017

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

The petitioner has moved the Court seeking
quashing of order dated 09.03.2011, passed by the Member, District
Teachers Employment Appellate Authority, Jamui (hereinafter



referred to as the 'Authority') in Case No. 18 of 2010.

The petitioner was appointed as a Panchayat Teacher on 13.08.2010 and joined on 14.08.2010. It appears that the respondent no. 7 had moved before the Authority and by the impugned order dated 09.03.2011, the Authority has directed for appointment of respondent no. 7 and has cancelled the appointment of the petitioner.

Learned counsel for the petitioner submitted that despite having been appointed and working, the Authority had passed the order at the behest of respondent no. 7, without even adhering to the basic requirement of hearing the petitioner. It was submitted that the petitioner was neither made party nor any notice was ever sent to her and behind her back, the order cancelling her appointment has been passed.

Learned counsel for the State submitted that a new forum i.e., the State Appellate Authority has been constituted recently which is empowered to hear appeal arising out of the order passed by the District Authority.

Learned counsel for the respondent no. 7 submitted that she was having higher marks, as the experience certificate granted to her was valid. Learned counsel submitted that she has received payment for 12 months for the training she has obtained and thus, she has wrongly been denied the benefit of such experience



certificate and once the same is given, she will be at the top of the merit list and would thus be entitled for appointment. However, both learned counsel for the State as well as respondent no. 7 have not controverted the fact that the petitioner was neither made party nor heard before the impugned order was passed.

Having considered the rival contentions, in the considered opinion of the Court, the order impugned cannot be sustained on the short point of there being violation of the principles of natural justice, as the petitioner though having been appointed and working on the post, such appointment has been cancelled in a proceeding in which neither she was made a party nor heard.

Accordingly, the order impugned dated 09.03.2011 passed by the Authority in Case No. 18 of 2010 stands set aside.

The writ petition stands allowed in the aforementioned terms.

Interlocutory Application No. 4929 of 2016, which was filed for vacating the order of *status quo* dated 21.07.2011, having become infructuous, stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	

