

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.922 of 2018

In
Civil Writ Jurisdiction Case No.279 of 2017

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1. Renu Kumari, D/o Deo Narayan Das, Wife of Sri Mukesh Kumar, Resident of Village and P.O.- Shembhwar, P.S. and District- Muzaffarpur. at Present R/O Village and P.O.- Hansa, P.S.- Warisganj, District- Samastipur.
 2. Mithun Kumar, Son of Sri Ram Sagar Choudhary, Resident of Village and P.O.- Rahimpur Jagdish, P.S. and District- Vaishali.

... .. 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 Member Secretary, Panchayat Secretary, Niyojan Samiti-Cum Panchayat Secretary, Gram Panchayat Raj-Tepari, Block- Bandra, District- Muzaffarpur.
7. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Ratsara, Block- Bandra, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amish Kumar, Advocate
For the Respondent/s : Mr. Pushkar Narain Shahi- AAG 6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-07-2018

It is stated that the defects pointed out by the office stand removed.

Delay of 1 year and 123 days in filing of the appeal is condoned and I.A. No. 5058 of 2018 stands allowed and disposed of.



Services of the petitioners were terminated on account of the fact that the certificates produced by them with regard to passing the eligibility test i.e., T.E.T., is a forged document. However, while doing so, opportunity of hearing was not granted and the principles of natural justice were not followed and this court in identical circumstances, in LPA No. 501 of 2017, arising out of an order passed in CWJC No. 277 of 2017 (Ajit Kumar Vs. The State of Bihar and Ors.) decided by a Coordinate Bench of this Court on 14.11.2017 has held that once the employee has been granted appointment on the basis of the certificates and documents produced by him, in case any adverse action is required to be taken on the ground that the certificates are not admissible for any reason, whatsoever, then opportunity of hearing has to be given to the incumbent and this view was taken on the basis of a judicial pronouncement in the case of Chief Post Master General Vs. Nirbhay Kumar, 2018 (3) P.L.J.R. 344. In this case also identical situation exists inasmuch as appointment of the petitioners has been terminated only because they had produced a certificate which was not admissible for granting appointment to the post in question. Once adverse action was to be taken against the petitioners, the termination should have preceded a procedure known to law i.e., the principles of natural justice. The show



cause notice or an opportunity of hearing should have been granted to the petitioner. This having not been done, we allow the appeal, impugned order dated 08.02.2017 passed by the learned writ court in C.W.J.C. No. 279 of 2017, and the order passed by the authority terminating the services of the petitioner are quashed. The respondent should reinstate the petitioner and thereafter proceed in the matter in accordance with law. The question of payment of salary and arrears for the intervening period shall be dependent on the final outcome of the enquiry to be conducted and the consequential action taken.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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