

Civil Writ Jurisdiction Case No.13743 of 2014

Ramdeo Prasad Singh son of Shree Baleshwar Prasad Singh, Assistant Teacher, Project Girls High School, Guthani, P.O.- Guthani, P.S.- Guthani, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
2. The Principal Secretary, Education Department, New Secretariat, Vikas Bhawan, Patna.
3. The Director (Secondary Education), Education Department, New Secretariat, Vikas Bhawan, Patna.
4. The Regional Deputy Director of Education, Saran Division, Saran at Chapra.
5. The District Education Officer, Siwan.
6. Smt. Usha Kumari Gahlot, wife of name not known, the then Acting Headmistress, Project Girls High School, Guthani, Police Station- Guthani, District- Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, advocate
Mr. Akhilesh Kumar Sinha, advocate
Mr. Shayama Kant Singh, advocate
For the Respondent/s : Mr. Sc8-Kumar Alok

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-07-2018 1. Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The grievance of the petitioner in the instant case is that
the order of termination was passed by the Director Secondary
Education on 05.09.2012 but before taking such action at no
point of time, the petitioner was provided any opportunity of
hearing.

3. On behalf of the State no document was enclosed to



substantiate that the petitioner was ever heard before taking action adverse to the interest of the petitioner. The law in this regard is well settled that no order visiting of civil and criminal consequences can be passed without providing opportunity of hearing. Reference in this connection may be made to the judgment of Apex Court in H.L Trehan's Case AIR 1989 SC 568.

4. In view of the law laid down by the Apex Court in H.L. Trehan (Supra) the order contained in Annexure-1 is hereby quashed.

5. However, quashing of Annexure-1 will not preclude the respondents from taking fresh decision after complying with the principle of natural justice.

6. With the aforesaid the Writ Petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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