

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19866 of 2011

- =====
1. Jaiprakash Kumar (UR), aged about 32 years, S/o Shri Ramadhar Singh, Resident of village-Narayanpur, P.O.-Nasaratpur, P.S. Sandesh, Prakhand-Sandesh, District-Bhojpur (Arrah)
 2. Subhash Kumar Singh (UR), aged about 32 years, S/o Shri Alakhdeo Singh, Resident of village- Bachari, P.O. Akhagaon, P.S.+ Prakhand-Sandesh, District-Bhojpur (Arrah)
 3. Sangita Kumari, aged about 34 years, W/o Anil Kumar Singh, Resident of village-Harpur, P.O. Nagraon, P.S. Charpokhari, Prakhand-Charpokhari, District-Bhojpur (Arrah)
 4. Sarita Kumar (UR), aged about 32 years, D/o Shri Baban Singh, Resident of village-Sobhi Dumra, P.O. Barka Dumra, P.S. Arrah Mufassil, Block-Arrah (Sadar), District-Bhojpur
 5. Shila Kumari (UR), aged about 22 years, D/o Shri Nirmal Kumar, Resident of village-Saripur, P.O. Akhagaon, P.S. + Prakhand- Sandesh, District-Bhojpur.
 6. Anil Kumar Singh (EBC), aged about 25 years, S/o Shri Kamlesh Singh, Resident of village- + P.O. Jokta, P.S. Chandi, Prakhand-Koilwar, Dist.- Bhojpur
 7. Kumari Usha (OBC), aged about 22 years S/o Shri Balram Gupta, Resident of village+P.O. Jalpurafapa, P.S. Chandi, Prakhand-Koilwar, Dist.- Bhojpur
 8. Ramu Prasad (EBC), aged about 29 years, S/o Shri Mahendra Ram, Resident of village+P.O.Jalpuratopa, P.S. Chandi, Prakhand-Koilwar, Dist.- Bhojpur
 9. Ruhi Praveen (EBCF), aged about 26 years, D/o Md. Islam Ansari, Resident of village-Abarpul, P.O. Arah Chowk, P.S. Arrah Nagar, Block-Arah Sadar, District-Bhojpur
 10. Alisha Devi SC(F) aged about 21 years, D/o Shri Vishwanath Prasad, Indira Nagar, House No.127, P.O. G.P.O., P.S. Patliputra, Patna
 11. Kalavati Kumari (BC)(RF), aged about 22 years, D/o Shiv Prasad Singh, Resident of village-Kholpur, P.O. Pandura Rampur, P.S.+ Prakhand-Sandesh, District-Bhojpur

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The District Magistrate, Bhojpur (Arrah)
4. The District Superintendent of Education, Bhojpur (Arrah)
5. The Member, District Teacher Appellate Authority, Bhojpur (Arrah)
6. The Block Development Officer, Sandesh, District-Bhojpur
7. The Block Education Extension Officer, Prakhand-Sandesh, District-Bhojpur
8. The Mukhiya, Gram Panchayat-Rai, Akhagaon, P.S. Sandesh, Prakhand-Sandesh-District-Bhojpur
9. The Panchayat Secretary, Gram Panchayat Raj- Akhagaon, P.S. Sandesh, Prakhand-Sandesh, District-Bhojpur
10. Sandhya Kumari, D/o Shri Harendra Prasad Singh, Resident of village-Abhayapura, P.O. Sandesh, District-Bhojpur



.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh

For the Respondent/s : Mr. K.P. Gupta Sc16

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 03-01-2018 The petitioners in the present writ application have sought for direction for quashing of the order dated 02.09.2011, passed in Appeal No.296/2010 by the Respondent No.3, whereby and whereunder the Respondent No.5 has cancelled the Niyojan of Panchayat Niyojan Unit, Gram Panchayat Raj Akhagaon, Prakhand-Sandesh, District-Bhojpur.

A Complaint was made on behalf of the Respondent No.10 and the order under challenge was passed by the District Appellate Authority, no notices were served upon the petitioners before the final order which is challenged hereunder. By the order under challenge, the petitioners have been removed from the post of Panchayat Teachers along with other appointed Panchayat teachers, hence they have preferred the present writ application, challenging the said order on the ground that without any opportunity of hearing being given to the petitioners, the District Appellate Authority has passed an order in respect to the removal of the petitioners and others. It has further been pointed out on behalf of the petitioners that the case of the petitioners is covered



by the order passed by the Division Bench of this Court in L.P.A. No.1366 of 2014 dated 11.01.2016, reported in 2016(1) 836.

Since the appellate authority has terminated the services of the petitioners and others without giving any opportunity of hearing is in gross violation of Principle of Natural Justice. Hence, the order dated 02.09.2011 passed in case No.296/2010 is set aside and the matter is remitted back to the District Appellate Authority, Bhojpur, Arrah for fresh hearing, after giving adequate opportunity to the concerned parties including the petitioners and pass a speaking and reasoned order in accordance with law.

The present writ application stands allowed.

(Sudhir Singh, J)

Amit/-

U			
---	--	--	--

