

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19591 of 2011

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Kumari Amrita Singh D/O Sri Raj Kumar Prasad Singh Resident Of Village
And P.O.-Olapur Gangauri, P.S. And District-Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna.
3. The Director, Secondary Education, Human Resources Development
Department, Government Of Bihar, Patna.
4. District Education Officer, Khagariya Cum-Secretary, Zila Parishad,
Madhyamik Shikshak Niyojan Panel Nirman Samiti, Khagaria.
5. Deputy Development Commissioner Cum C.E.O., Khagaria.
6. The Chairman, Zila Parishad, Khagaria.
7. The Headmaster, Sri Krishna High School, Olapur Gangaur, P.O. & District-
Khagaria.
8. The Member, The Teachers Employment Appellate Authority, Khagaria.
9. Pankaj Kumar, s/o late Lochan Thakur, village- Garhiya, P.O. Garhiya, P.S.
Chautham, District-Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Pd. Singh, Sr. Advocate Mr. Mukesh Kumar Singh, Advocate
For the State	:	Mr. Sita Ram Yadav, GP-16
For pvt. Resp. No.9	:	Mr. Rajendra Prasad Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 07-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The petitioner is aggrieved by the order contained in
Annexure-5 passed by the District Teachers Employment
Appellate Authority in Appeal Case No. 51 of 2008.

3. Mr. Rajendra Prasad Singh, learned senior counsel
appearing on behalf of the petitioner submits that the said order of
the tribunal was passed without opportunity of hearing to this



petitioner. He referred to various paragraphs of the petition to submit that the petitioner was validly appointed on the post of untrained Hindi teacher but her selection was interfered with by the appellate authority without notice and without hearing. He further submits that when this fact was brought to the notice of the District Teachers Employment Appellate Authority, the Appellate Authority has passed order reviewing his previous order vide Annexure-6. He also referred to Annexure-9 whereby CWJC No. 12109 of 2011 was dismissed as withdrawn with liberty to challenge the order dated 12.8.2009.

4. Learned counsel appearing on behalf of the respondents submits that the petitioner was not eligible for appointment on the post of untrained Hindi teacher as she was holding the qualification of Political Science (hons) with History and Philosophy as subsidiary and as such she was not eligible for appointment and to the contrary the respondent no. 9 was holding the degree of B.A. in Hindi Sahitya.

5. On behalf of the State submission has been advanced that the appellate authority has passed the order on consideration of the materials that teachers in the subject of Hindi should be appointed having qualification of graduation in Hindi either honours or subsidiary.



6. Mr. Rajendra Prasad Singh submits that for appointment there is no requirement that one should be graduate in Hindi and the law is well settled that no order visiting civil or civil consequences can be passed against a person without hearing. Quasi judicial authority is obliged to take into consideration the principles of natural justice and fair play in the decision making process. Neither the private respondent nor the State has established that the petitioner was heard by the District Teachers Employment Appellate Authority while passing the order dated 8.8.2009. The tribunal has passed order adverse to the interest of the petitioner and from the order sheet it appears that the petitioner was not heard.

7. In the aforesaid circumstances, the Court is left with no option but to quash the order, Annexure-5 and remit the matter back to the District Teachers Employment Appellate Authority to examine the case of the petitioner afresh in accordance with law within a maximum period of four months from the date of receipt/production of a copy of this order.

8. The consequential benefit will abide by the final decision of the District Teachers Employment Appellate Authority.



9. With the aforesaid, the writ petition stands allowed
and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2018
Transmission Date	

