

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 4022 of 2015**

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Binita Kumari Vidhyarthi, Wife of Sri Ramesh Kumar Bhushan, C/o Sri Uma Shankar Singh, resident of Village - Sankardih, Singh Complex, P.O. and P.S. - Parsa, District - Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The District Magistrate, Saran.
3. The District Programme Officer (Establishment), Saran.
4. The Block Development Officer, Parsa, Saran.
5. The Block Education Officer, Parsa, Saran.
6. The Mukhiya Gram Panchayat Raj, Chandpura, Parsa, Saran.
7. The Panchayat Secretary, Gram Panchayat Raj, Chandpura, Parsa, Saran.
8. The District Teacher Employment Appellate Authority through its Presiding Officer, Saran, Chapra.
9. Rajesh Kumar Ravi, Son of Sri Japan Das, resident of Village - Chandpura, Post - Bhagwanpur, P.S. - Parsa, District - Saran.
10. Kumari Dipshikha, Daughter of Harinath Baitha, posted as Panchayat Teacher, Primary School, Gangoi, Post - Shahar Chapra, P.S. - Derhi, District - Saran.

.... .... Respondent/s

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**Appearance :**

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|--------------------------|---|--------------------------------------|
| For the Petitioner/s     | : | Mr. Gyan Prakash, Advocate           |
| For the State            | : | Mr. Rakesh Kumar, Advocate           |
| For the Respondent No. 9 | : | Mr. Digvijay Narayan Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 04-09-2018**

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



2. Despite valid service of notice on respondent no. 10, nobody has appeared on her behalf.

3. The petitioner has moved the Court for the following reliefs:

*“That this writ application is being filed for issuance of a writ in the nature of Certiorari for quashing order dated 31.01.2015 as contained in Memo No. 13 passed by the Presiding Officer, The District Teacher Employment Appellate Authority, Saran, Chapra in Case No. 90/2011 by which the petitioner’s appointment as Panchayat Teacher in pursuance of Advertisement of 2008 has been terminated without issuing notice to her or hearing her, even without going through the concern records of the Gram Panchayat, merely relying on says of the respondent No. 9. And further for issuance of direction/directions upon the Respondents to not disturb the petitioner from her working as Panchayat Teacher and further for issuance of any other appropriate direction/directions as the petitioner be found entitled to in the facts of the case.”*

4. Learned counsel for the petitioner submitted that he was restricting his submission to the point of there being violation of principles of nature justice as without making the petitioner party or issuing notice to her, her appointment has been set aside by the impugned order.

5. Counter affidavit has been filed only on behalf of the



respondent no. 3, who is not the contesting party.

6. From the pleadings, it appears that in the case filed before the District Teachers Employment Appellate Authority, Saran at Chapra (hereinafter referred to as the 'Authority'), the petitioner was not made a party and instead one Divika Kumari was made party. Even from the service report in the case before the Authority, it appears that notice could not be served, as nobody by that name was found teaching in the school in question. Learned counsel submitted that during the proceeding, from the order-sheet, it appears that petition was filed for adding the petitioner as party but the same was neither pressed nor any order passed by the Authority.

7. There being no denial or rebuttal of the aforeaid fact, either on behalf of the State or the respondents no. 9 and 10, the Court can presume that the aforesaid contention of the petitioner is correct. Power on behalf of respondent no. 9 was filed on 20.05.2015 but nobody has entered appearance on behalf of respondent no. 10.

8. Thus, on the short point, of there being violation of principles of nature justice, inasmuch as the petitioner was neither made party nor noticed before the order impugned was passed, which has resulted in her being removed from the post on which she was working, the order cannot be sustained.



9. Accordingly, the order dated 31.01.2015 contained in Memo No. 13 passed in Case No. 90 of 2011, by the Authority is set aside.

10. The writ petition stands allowed in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

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