

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8736 of 2016

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Arif Raja Son of Motiur Rahman Resident of village:- Shakarpur, P.O.-
Bharwar P.S.- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Bihar School Examination Board, Patna
3. The Director (Secondary Education), Govt. of Bihar, Patna
4. The District Magistrate, Sitamarhi
5. The District Education Officer, Sitamarhi
6. The District Education Officer, Sheohar
7. The Headmaster, M.R.D. High School Sitamarhi, District- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Virendra Kumar, Advocate Mr. Anirudh Mishra, Advocate
For the State	:	Mr. Karandeep Kumar, AC to GP-06
For BSEB	:	Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-02-2018

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State as well as the Bihar School
Examination Board.

2. Learned counsel for the petitioner submits that show
cause notice in the present case was issued on 1.6.2015 which was
received by the petitioner on 13.6.2015 and before that the Board
has taken adverse decision vide annexure-3 dated 10.6.2015 and as
such the order contained in annexure-3 is in teeth of the natural
justice and fair play. He submitted that after the order dated
10.6.2015, the petitioner has made representation before the
Secretary, Bihar School Examination Board vide Annexure-4 dated



15.6.2015 and the same is pending till date and no action has been taken on the representation of the petitioner.

3. In view of the fact that the petitioner was served notice after the order contained in Annexure-3 dated 10.6.2015, ends of justice requires that the petitioner should be granted opportunity before passing the order visiting evil or civil consequences. Since the order was passed before service of notice on the petitioner.

4. Under the aforesaid circumstances, the order as contained in Annexure-3 dated 10.6.2015 is quashed. The matter is remanded back to the respondents to take final decision in accordance with law within the time frame as indicated above.

5. Since the petitioner has filed representation before the Secretary of the Board, the Board is directed to dispose of the representation, contained in Annexure-4 by reasoned and speaking order within a maximum period of 60 days from the date of receipt/production of a copy of this order.

6. It is made clear that while taking decision on the representation, the Board will ignore the order contained in Annexure-3, which was passed without opportunity of hearing and natural justice requires notice before taking any adverse decision.



Admittedly in the present case notice was served after such decision and as such Annexure-3 has been quashed in this case.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.03.2018
Transmission Date	

