

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13675 of 2011

=====

Paramhans Pandey, S/O Late Sudarshan Pandey, R/O Village + P.O.- Rohuna, P.S.-
Jamaia, Distt.- Gazipur (U.P.) at present posted as Principle Sri Niwas Sanskrit
Madhya Vidyalaya, Chartitravan, Buxar, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, Bihar Sanskrit Siksha Board, Patna
3. The Secretary, Bihar Sanskrit Siksha Board, Patna
4. The Managing Committee, Sri Niwas Sanskrit Madhya Vidyalaya, Charitarvan,
Buxar, Bihar
5. The District Education Officer, Buxar, Bihar
6. The District Maistrate Buxar, Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashish Kumar, Advocate
For the Respondent/s : Mr. Manoj Kumar AC to GP-4
For the B.S.S. Board : Mr. S. S. Sundram, Advocate
Mr. Shashank Shekhar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 04-07-2018

Heard learned counsel for the petitioner and State as
well as Bihar Sanskrit Shiksha Board.

2. Learned counsel for the petitioner submits that the
petitioner has been condemned unheard in the instant case. He
submits that the order was passed ex-parte without any notice and
opportunity of hearing to the petitioner.

3. Learned counsel appearing on behalf of Bihar
Sanskrit Shiksha Board admits that the petitioner was not heard before
passing the order, as contained in Annexure-1.

4. In view of undisputed fact that the petitioner was



not issued any notice or provided any opportunity of hearing before passing the order, as contained in Annexure-1, and as such order contained in Annexure-1 cannot sustain, as it is now well settled that no order visiting evil and civil consequence can be passed against any person without compliance of principle of natural justice. Reference in this connection may be made to the judgment of the Apex Court in the case of **H.L. Trehan and Ors. Vs. Union of India and Ors.**, reported in **AIR 1989 SC 568**.

5. In view of the judgment of the Apex Court in the case of **H.L. Trehan and Ors.** (supra) Annexure-1 cannot sustain and it is, accordingly, quashed.

6. The writ application is allowed. The respondents are directed to grant consequential benefits.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2018
Transmission Date	

