

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6377 of 2014

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1. Kamal Kumar S/o Anandi Rai At + P.O. Kalyanpur, P.S. Bibhutipur, District - Samastipur
 2. Sunit Kumar S/O Janardan Mahto At + P.O. + P.S. Bibhutipur, District - Samastipur
 3. Birendra Kumar S/o Jagjiwan Ram At + - Pachhiyari Tabhaka, P.O. Pandit Tola Tabhaka, P.S. Bibhutipur, District - Samastipur
 4. Ram Dular Sharma S/o Ram Khelawan Sharma At - Khadiyahi, P. O. + P.S. Bibhutipur, District - Samastipur
 5. Dipak Kumar Roy S/O Ravindra Roy At + P.O. Narhan, P.S. Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Samastipur
3. The District Education Officer, Samastipur
4. The Block Development Officer - Cum - Excutive Officer - Cum - Member Secretary, Block Niyojan Samiti, Bibhutipur, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Mukesh Kumar Singh, Advocate
For the State	:	Mr. Sanjay Prasad, AC to AAG-4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 21-06-2018

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

2. Mr. Rajendra Prasad Singh, learned senior counsel appearing for the petitioner, with reference to the delay, submits that at the relevant time a three-men Committee was constituted with regard to inquire into the matter relating to legality and validity of the appointment of the petitioners and before the report of the three-men Committee could be received, the respondents have taken decision to terminate the petitioners. He further submits



that the order was passed without providing any opportunity of hearing.

3. There is no dispute that the petitioners were condemned unheard. No order visiting civil and evil consequences can be passed without compliance of the principles of natural justice and fair play. 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.: AIR 1989 SC 568**. The Court is of the view that when the respondents have constituted a three-men Committee to inquire into the matter of legality and validity of the appointment of the petitioners, without completion of the enquiry, taking final decision will amount to exercise of jurisdiction in premeditated manner.

4. In view of the above, the Court does not approve the orders as contained in Annexure-1 series. They are accordingly quashed.

5. The respondents are required to reinstate the petitioners. However, liberty shall be available to the respondents to take decision in accordance with law after compliance of the principles of natural justice but that action can only be taken after making payment of arrears of salary to the petitioners, who were arbitrarily removed from service.



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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2018
Transmission Date	

