

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12769 of 2011

Prakash Raj, son of Sri Manoj Kumar, resident of village + P.O + P.S.-
Guthani, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Director, Primary Education Bihar Patna
3. District Magistrate Siwan
4. District Education Officer, Siwan
5. Block Education Officer
6. Panchayat Secretary Panchayat Raj Gram Bhitauli
7. Mukhiya Panchayati Raj Gram Panchayat Bhitauli

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satya Nand Shukla
For the Respondent/s : Mr. P.N. Sahi Aag14

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 09-10-2018

Today on behalf of the respondents, affidavit has been filed enclosing the order of termination of the petitioner dated 06.03.2013. From the order, it does not appear that any opportunity of hearing was provided to the petitioner or any notice was issued before taking action of termination. In the counter affidavit, stand has been taken that petitioner has not challenged the order dated 06.03.2012 contained in Annexure-B in any proceeding.

2. Considering the fact that it has come for the first time by way of affidavit after the direction of this Court, the objection as to not challenge the order dated 06.03.2012 is unsustainable and considering the fact that the order rejecting the claim of the petitioner was issued without opportunity of



hearing to the petitioner, the order contained in Annexure-B dated 06.03.2012 cannot sustain. It is accordingly quashed.

3. Quashing of Annexure-B dated 06.03.2012 will not disentitle the respondents in taking fresh decision after compliance of the principles of natural justice.

4. With the aforesaid, this writ application is allowed and disposed of.

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

