

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3288 of 2014

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Kalimuddin S/O Ranjan Ali Resident Of Village- Pachahi, P.S- Madhepura,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director, Primary Education Department,
Government Of Bihar, Patna.
2. The District Magistrate, Darbhanga
3. The District Education Officer, Darbhanga.
4. The Block Development Officer, Manigachhi, Darbhanga.
5. Panchayat Secretary, Jagdishpur Panchayat, Manigachhi, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dineshwar Mishra, advocate,
	:	Mr. Surendra Mishra, advocate,
	:	Mr. L.C. Pd., Advocate,
For the Respondent/s	:	Mr. Vikash Jha, AC to G.P.-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 23-08-2018 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

This writ petition was filed on 10.2.2014 after service
of two advance copies to the office of the Advocate General.
Even after lapse of 4 ½ years no counter affidavit was filed on
behalf of the respondent.

From perusal of the order contained in Annexure-4, it
appears that the service of the petitioner was cancelled by the
Panchayat Secretary on the pretext that there is variance in the
age as per certificate. From perusal of Annexure-3, it appears
that the Panchayat Secretary has made communication to the



B.D.O. Manigashi, that the appointment of this petitioner was in accordance with rules and he has submitted Photostat copy of original certificate for consideration of the B.D.O. Manigashi and the documents contained in Annexure-1 Series indicates that the petitioner's date of birth is 22.01.1987. He was appointed as teacher in 2007 and as such the Court does not find any infirmity on the point of age to find fault in the appointment of the petitioner.

Learned counsel for the petitioner submits that petitioner was condemned unheard as opportunity of hearing was not provided to him before the order contained in Annexure-4 passed.

Since the respondents have not filed any counter affidavit and the available material indicates that there is no infirmity in the appointment of the petitioner, the Court constrained to hold that the order contained in Annexure-4 is unsustainable, it is accordingly quashed, for the reason that no order vitating evil and civil consequences can be passed without compliance of principles of natural justice as held out by the Apex Court in catena of judgment including the case of **H.L. Trehan reported in AIR 1989 (S.C) 568**. The writ petition is accordingly allowed, with all consequential benefits.



Respondents are directed to extend all consequential benefits to the petitioner within a period of four months from the date of receipt/ production of a copy of this order.

(Anil Kumar Upadhyay, J)

T.Kr./-

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