

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2919 of 2013**

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DEVENDRA CHAUDHARY S/O LATE SHEO DHARI CHAUDHARY R/O  
VILL-RAMPURCHAKALA, P.O.&P.S.-JANDAHA, DISTT-VAISHALI AT  
HAJIPUR, PRESENTLY WORKING AS ASSISTANT TEACHER,  
MIDDLE SCHOOL, CHAKAFATTE, ANCHAL-JANDAHA, DISTT-  
VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR, PRIMARY  
EDUCATION, BIHAR, PATNA
2. THE DISTRICT MAGISTRATE, VAISHALI AT HAJIPUR
3. THE DISTRICT SUPERINTENDENT OF EDUCATION, VAISHALI AT  
HAJIPUR
4. THE DISTRICT PROGRAMME OFFICE (ESTABLISHMENT), VAISHALI

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Nandan Pd. Singh, Advocate  
For the Respondent/s : Mr. Umesh Narayan Dubey, A.C. to G.P.-27

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      29-10-2018                      Heard learned counsel for the petitioner and counsel  
appearing on behalf of the State.

Learned counsel appearing on behalf of the petitioner  
would submit that in the instant case order was passed without  
providing opportunity of hearing to the petitioner. He submits  
that the matter requires re-consideration at the level of the  
District Superintendent of Education, who has passed the order  
against the interest of the petitioner without giving opportunity  
of hearing to the petitioner. It is well settled principles that no  
order visiting evil and civil consequences can be passed without  
compliance of natural justice. The petitioner was earlier granted



benefit of Graduate Trained Scale but the same was subsequently recalled, while passing the order recalling the grant of graduate trained scale, respondents have not provided opportunity of hearing to the petitioner.

Considering the aforesaid fact the order contained in Annexure-2 is quashed and the matter is remitted back to the District Superintend of Education (now District Programme Officer) Establishment, Vaishali, who shall provide opportunity of hearing to the petitioner and thereafter pass afresh order. The consequential benefits and quashing Annexure-2 will abide by the final fresh decision of the respondent District Programme Officer, Establishment, Vaishali who is obliged to pass fresh order after giving opportunity of hearing to the petitioner. Necessary decision in this regard may be taken by the respondent District Programme Officer, Vaishali within a maximum period of four months from the date of receipt/production of a copy of this order.

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

**(Anil Kumar Upadhyay, J)**

T.Kr./-

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