

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14346 of 2016

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1. Upendra Yadav Son of Late Ramadhin Yadav Resident of village- Bhaddi, P.S. Saur Bazar, District Saharsa.
 2. Sachindra Prasad Singh, Son of Shri Triveni Prasad Singh, Resident of village- Bhaddi, P.S. Saur Bazar, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Programme Officer (Establishment), Saharsa.
5. The Block Education Officer, Sonbarsa, District Saharsa
6. The Headmaster, Primary School, Dih Tola, Mangawa, Block Sonbarsa, District Saharsa.
7. The Headmaster, Middle School, Mangwa, District Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Respondent/s : Mr. INDRADEO PRASAD-SC27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioners and the counsel appearing on behalf of the State.

This writ petition was filed on 26.8.2016 challenging the order of the Director dated 13.5.2016. Earlier the petitioner has approached this court and relying upon the judgment in C.W.J.C. No. 1489 of 2010 dated 28.7.2010 the writ petition filed by the petitioner was disposed of vide order dated 1.8.2013 contained in annexure-7. After the order contained in Annexure-7 the Director, Primary Education in most casual manner passed cryptic order saying that the case of the petitioner is distinguishable from the case of Arun Kumar Dev



in C.W.J.C. No. 1489 of 2010. However, from the order it does not appear that what was the distinguishable features the order on the face of it is without application of mind. The constitution bench judgment in the case of S. N. Mukherjee Vs. Union of India reported in AIR 1990 SCC 1984 is settled on the point that the reasoned order is the settled principal of natural justice and in the decision making process, the authorities are required to give reason in support of the decision.

From the impugned order, the court does not find any reason for passing the order. There is no material indicated in the order as to how the case of this petitioner is distinguishable from the case of Arun Kumar Dev.

Under the aforesaid circumstances, the court is left with no option but to quash the order, remit the matter back to the Director, Primary Education who is required to pass further reasoned and speaking order after hearing the parties within a maximum period of sixty days from the date of receipt/production of a copy of this order in view of the fact that even after expiry of one year and six months the respondents have not filed counter affidavit. Prima facie on going through impugned order, the court is of the view that the order suffers from the vice of lack of reason to support the order and in view



of the judgment of the Apex Court in the case of S.N. Mukherjee (Supra) such order cannot sustain and is accordingly quashed.

Accordingly, the writ petition stands allowed.

(Anil Kumar Upadhyay, J)

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