

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1219 of 2017

In

Civil Writ Jurisdiction Case No.5769 of 2016

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Md. Anjar Ansari, Son of Domar Ansari, resident of Village- Navi Bhuna,
P.O.- Ekamba, P.S.- Jalalgarh, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Teacher Employment Appellate Authority, Purnea through its Member. null null
4. The Member, District Teacher Employment Appellate Authority, Purnea.
5. The District Magistrate, Purnea.
6. The District Education Programme Officer, Purnea. null null
7. The District Education Programme, Officer (Establishment) Purnea.
8. The Block Education Officer, Amour, District- Purnea.
9. The Panchayat Secretary, Gram Panchayat Raj, Pothia Gangali, P.S.+ Block- Amour, District- Purnea. null null
10. The Mukhiya Gram Panchayat Raj Pothia Gangaili P.S.+ Block- Amour, District- Purnea.
11. The Headmaster, Primary School, Rahuatata, Block- Amour, District- Purnea.
12. Md. Shadaq, son of Md. Moinuddin, resident of Village- Chakai, P.O.- Chakai Hat, P.S.- Jokihat, District- Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Jawed Ahmad
For the Respondent/s	:	Mr. AC to AAG 15
For Res. No. 12	:	Mr. Uday Bhanu Roy, Advocate
		Mr. Baleshwar Kamat, Advocate
		Mr. Shashi Shankar Tiwary, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 05-10-2018 Feeling aggrieved and dissatisfied with the judgment and order dated 11.04.2017 passed by learned Single Judge in C.W.J.C. No. 5769 of 2016, this Letters Patent Appeal has been preferred under Clause 10 of the Letters Patent.



Heard learned counsel appearing on behalf of the respective parties and perused the materials placed on record.

Having heard learned appearing on behalf of the respective parties and considering the impugned judgment and order passed by learned Single Judge and the fact that the original writ petitioner was removed from service pursuant to the order dated 19.02.2016 passed in Misc. Case No. 4 of 2015, by the District Teachers Employment Appellate Authority, Purnea, which was passed without giving any opportunity to the original writ petitioner and thereafter when the same is found in breach of principle of natural justice and, consequently, learned Single Judge allowed the said writ petition and ordered for reinstatement of the original writ petitioner to his original post, it cannot be said that the learned Single Judge has committed any error.

It is reported that Misc. Case No. 04 of 2015 was the miscellaneous application and the main appeal being Appeal No. 24 of 2014 is yet to be considered and decided/disposed of by the appellate authority.

Therefore, it goes without saying that the order of reinstatement shall always be subject to the ultimate outcome of the proceeding pending before the appellate authority namely,



Appeal No. 24 of 2014. If at all the appointment of the original writ petitioner is found to be illegal, in that case the necessary consequences shall follow.

However, as the removal of the original petitioner was found to be in breach of principle of natural justice and the same was set aside and consequential order of reinstatement was passed, it cannot be said that the learned Single Judge committed any error and as such no interference is called for.

Hence, this appeal is dismissed.

(Mukesh R. Shah, CJ)

(Rajeev Ranjan Prasad, J)

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