

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4555 of 2017

=====

Kamini Devi, W/o Sri Tarkeshwar Singh, Resident of Village- Gopalpur, P.S.-
Itardhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary of Education Department, Government of Bihar, Patna.
2. The Principal Secretary of the Education Department, Government of Bihar, Patna.
3. The Bihar Sanskrit Siksha Board, Patna through its Secretary.
4. The Chairman, Bihar Sanskrit Siksha Board, Patna.
5. The Secretary of the Bihar Sanskrit Siksha Board, Patna.
6. The District Education Officer, Buxar.
7. The Secretary of Saraswati Sumitra Sanskrit Primary-cum-Middle School, Gopalpur, P.S.+Block- Itadhi, District- Buxar.
8. The Principal of Saraswati Sumitra Sanskrit Primary-cum-Middle School, Gopalpur, P.S.+Block- Itadhi, District- Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar
For the Respondent/s	:	Mr. PRABHAKAR JHA-GP27
For Respondent No.8	:	Mr. Durga Nand Jha, Advocate
For the Board	:	Mr. S. S. Sundram, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-03-2018 Heard learned counsel for the parties.

2. The petitioner is aggrieved by the office order as contained in memo No. 4408, dated 05.10.2016, passed by the Secretary, Bihar Sanskrit Siksha Board (hereinafter referred to as the Board), whereby and where under he has recalled the earlier decision of the Board as contained in memo No. 3990, dated 14.09.2015, by which the petitioner was earlier declared as permanent donor member of Sumitra Sanskrit Primary-Cum-



Middle School, Gopalpur.

3. The main ground, which has been taken in the writ application to assail the impugned order is that the petitioner was not given any opportunity of hearing before issuance of the impugned office order, dated 05.10.2016.

4. A counter affidavit has been filed on behalf of the Board from which it does not appear that any opportunity of hearing was given to the petitioner before recalling the earlier decision of the Board declaring her to be a permanent donor of the School in question.

5. I find substance in the stand taken by the petitioner that the impugned order is in breach of the principles of natural justice. It has been argued on behalf of the Board that the documents which have been furnished by the petitioner leading to her declaration as permanent donor of the School has been found to be manufactured.

6. It was open for the Board to have given the petitioner an opportunity of hearing on the basis of any such document but in no case the decision could have been taken without giving the petitioner an opportunity of hearing.

7. The impugned order is, accordingly, quashed.

8. It will be open to the Board to take appropriate decision



after giving the petitioner an opportunity of hearing.

9. This application is allowed.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

