

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9057 of 2015

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Md. Ahteshamul Haque S/o late Md. Manzoor Alam Residing at Shadruddin Chak, Tiwary Talab Chowk, Po+Ps- Habibpur, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary Govt. of Bihar Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar Patna.
3. The Director, Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director , Bhagalpur Division, Bhagalpur.
5. The District Education officer, Bhagalpur District Bhagalpur.
6. The District Programme Officer, Bhagalpur, District Bhagalpur.
7. The District Magistrate, Bhagalpur District Bhagalpur.
8. The Sub Divisional Magistrate/Sub Divisional Officer, Bhagalpur Sadar Bhagalpur.
9. The Disbursing Officer Cum Head Master, M/s Puraini Jagdishpur, Bhagalpur District Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
		Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Prashant Kumar. AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-11-2018 The petitioner is aggrieved by non-payment of salary for one day i.e. for 12.4.2015.

Learned counsel for the petitioner submits that without application of mind his payment of salary for 12.4.2015 was stopped.

It is well settled proposition of law that no order visiting evil or civil consequences can be passed without compliance of principle of natural justice. Reliance in this regard may be made to the decision of the Apex Court in H.L.



Trehan's case reported in **AIR1987 SC 587**. Since the respondents have stopped salary for 12.4.2015 without opportunity of hearing and even subsequent explanation dated 22.4.2015 was not considered. Annexure 4 is in breach of natural justice and as such cannot sustain. Annexure-4 is accordingly quashed. The respondents are directed to take fresh decision after considering the show cause reply contained in Annexdure-5 dated 22.4.2015 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 disposed of.

(Anil Kumar Upadhyay, J)

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