

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19744 of 2011

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1. Jyoti Kumari, W/O Binod Kumar Paswan, Resident of Village - Naya Bhargama, P.S. - Bhargama, District - Araria
 2. S.M. Salahuddin, S/O Md. Alauddin, R/O Village - Charrapatty, P.O. - Beernagar, P.S. - Bhargama, District - Araria
 3. Mithilesh Kumar Paswan, S/O Sri Lakshmi Das, R/O Village - Chainpur, P.S. - Sri Nagar, District - Madhepura
 4. Imrana Heyat, W/O Md. Gheyasuddin, R/O Village - Kadwa, P.O. - Bir Nagar, P.S. - Bhargawa, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Member, Zila Sikshak Niyojan Appiliye Pradhikar, (Appellant Authority), Araria
3. The District Education Officer, Araria
4. Prakhanda Siksha Padadhikari, Bhargama, P.S. - Bhargama, District - Araria
5. Panchayat Sachiv, Gram Panchayat Raj, Bir Nagar, East, P.S. - Bhargama, District - Araria
6. The Mukhiya, Gram Panchayat Raj, Bir Nagar East, P.S. - Bhargama, District - Araria
7. Headmaster, Prathamik Vidyalaya Uttar Tola Tapra East, Fakir Hussain, P.S. - Bhargama, District - Araria
8. Headmaster, Prathamik Vidyalaya, Mangalwar Charaiya Kanaya Kamleshwari Yadav, P.S. - Bhargama, District - Araria
9. Headmaster, Prathamik Vidyalaya B.M.C. Takeya Md. Nahaluddin, P.S. - Bhargama, District - Araria
10. Geeta Kumari, wife of Sri Lal Mandal, R/o Village- Charaiya, PO.- Mangalwar Charaiya, P.S. Bhargawa, District-Araria
11. Manta Kumari, D/o Binod Prasad gupta, r/o Banmakhi Chinimil Road, Ward No.9, P.O. & P.S. Banmakhi, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghib Ahsan, Sr. Advocate
Mr. Sahab Khalil, Advocate
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4
For Respondent No 5 to 7 : Mr. Anil Prasad Singh, Advocate
For Respondent no.11 & 12: Mr. Shambhu Sn. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 13-07-2018

Heard learned counsel for the petitioners and the
respondents.



2. The grievance of the petitioners in the present writ application is that the District Teachers Employment Appellate Authority, Araria (hereinafter referred to as 'the Appellate Authority') has passed order dated 17.02.2011 (Annexure-1) without opportunity of hearing to the petitioners.

3. Mr. Raghib Ahsan, learned senior counsel for the petitioners, submits that the effect of Annexure-1 is adverse to the interest of the petitioners regarding denial of salary and other benefit, which is available to the petitioners and the said decision was taken by the Appellate Authority without hearing the petitioners, as the petitioners were not even made party in that proceeding.

4. It is well settled that no order visiting civil and criminal consequence can be passed against any person without compliance of principle of natural justice. Reference in this connection may be made to the judgment of the Apex Court in the Case of **H.L. Trehan and Ors. Vs. Union of India and Ors.**, reported in **AIR 1989 SC 568**.

5. Learned counsel appearing on behalf of private respondents submits that the matter may be remitted to the Appellate Authority to take fresh decision after hearing the parties.

6. Admittedly, when the order, which adversely affect the petitioners, was passed without opportunity of hearing to the petitioners, such decision is unsustainable in the eye of law.



7. Accordingly, order dated 17.02.2011 (Annexure-1) passed by the Appellate Authority is hereby quashed. The matter is remitted back to the Appellate Authority, Araria to examine the case afresh after hearing all the parties likely to be adversely affected. The decision after hearing all the parties likely to be adversely affected be taken within a period of four months from the date of receipt/production of a copy of this order.

8. It is needless to state here that the petitioners are continuing by the interim order passed in this case, shall continue until final order of the Appellate Authority in accordance with law.

9. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2018
Transmission Date	

