

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7672 of 2016

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Anil, S/o Maljit Paswan, r/o - vill- Bhanail, P.S.- Akbarpur, Distt.- Nawada,
.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department, of Education, Bihar, Patna.
4. The District Magistrate Nawada, Nawada,
5. The District Education Officer, Nawada.
6. The District Programme Officer, Nawada.
7. The Block Development Officer, Roh Block Nawada.
8. The Block Education Officer, Roh, Block, Nawada.
9. Pramukh cum Chairman, Selection Unit, Roh, Block, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Respondent/s : Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 10-04-2018

Heard learned counsel for the petitioner and State.

The petitioner is aggrieved by the order contained in
Annexure-5 dated 25.02.2016.

Learned counsel for the petitioner submits that the
petitioner was condemned unheard. The so-called enquiry was
conducted without notice to the petitioner and as such the order
terminating the petitioner is in violation of principle of natural justice
and fair play. Learned counsel submits that the certificate of the
petitioner is valid and respondents have proceeded that the certificates
are not valid. He submits that the petitioner could have explained the
authorities about the validity of the certificate, if the petitioner was



granted opportunity of hearing in the enquiry.

In view of the above, the writ application is allowed to the extent that Annexure-5, which was passed without opportunity of hearing to the petitioner, is unsustainable and is accordingly quashed. However, quashing of the order will not confer any consequential benefit in favour of the petitioner and the same will abide by the final outcome by the fresh enquiry with opportunity to the petitioner to participate in the enquiry. Necessary decision of opportunity of hearing will be made by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2018
Transmission Date	

