

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15117 of 2013

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Priya Kumari Daughter Of Prhlad Paswan Resident Of Mohalla Guru Bazar,
P.S. Katihar, District- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Human Resources Development, Government Of Bihar, Patna
2. The Director Primary Education, Bihar, Patna
3. The District Education Officer, Katihar
4. The Block Education Officer, Barari, District- Katihar
5. The Panchayat Teachers Appointment Committee Gram Panchayat South Bhandartal Block Barari, District- Katihar
6. The District Teachers Appointment Appellate Tribunal, Katihar Through It'S Chairman/Member

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Respondent/s : Mr. G.K. Agrwal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 31-07-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

This writ petition was filed on 5.8.2013 after service of two advance copies to the office of Advocate General but after five years of such filing, no counter affidavit has been filed on behalf of the respondents.

The grievance of the petitioner in the present writ application is non-payment of salary.

Learned counsel for the respondents submits that the petitioner was removed pursuant to the decision of District Teachers Employment Authority in Case No. 928 of 2009 and



even review application filed by the petitioner was rejected by the District Teachers Employment Appellate Authority in Case No. 1503 of 2009.

Learned counsel for the petitioner submits that petitioner was not a party in the proceeding before the District Teachers Employment Appellate Authority and the order which adversely affect the petitioner was passed behind the back of the petitioner.

In view of the fact that the petitioner was not heard before passing adverse order, the order passed by the District Teachers Employment Appellate Authority contained in Annexure-2 cannot sustain and it is quashed.

The matter is remitted back to the District Teachers Employment Appellate Authority, Katihar for decision afresh after hearing the parties in accordance with law.

So far as payment of salary is concerned, that will abide by the decision of the District Teachers Employment Appellate Authority.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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