

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11029 of 2013

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1. Manish Kumar Son Of Sri Kripa Shankar Sharma Resident Of Village - Heman Chapra, Post & Police Station - Kotwa, District - East Champaran
 2. Pushpa Kumari Daughter Of Sri Kameshwar Singh Resident Of Village - Darmaha, Post Darmaha, Police Station Kesariya, District - East Champaran, At Present Posted At Primary School, Ramgarhwa, Gram Panchayat Raj Darmaha, Block Kalyanpur, District - East Champaran
 3. Shashikant Prasad Son Of Sri Mangal Prasad Resident Of Village - Rampur Gopal, Post Koyla Belwa, Police Station Chakiya, District - East Champaran, At Present Posted At Utkramit Middle School, Darmaha, Gram Panchayat

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resource Development Department, Govt. Of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, East Champaran At Motihari
4. The District Education Officer, East Champaran
5. The District Programme Officer, Establishment, East Champaran
6. The Block Development Officer, Kalyanpur Block, East Champaran
7. The Block Education Extension Officer, Kalyanpur Block, East Champaran
8. The Panchayat Secretary, Gram Panchayat Raj Darmaha, Kalyanpur Block, East Champaran
9. The Mukhiya, Gram Panchayat Raj Darmaa, Kalyanpur Block, East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Prasoon Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 25-08-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The only point raised in the present writ application is
as to the legality of the order passed by the respondents on
27.4.2013 contained in Annexure-8.



Learned counsel appearing on behalf of the petitioners submits that the order dated 27.4.2013 was made effective with retrospective effect i.e with effect from 06.02.2013.

The law in this regard is well settled that order of termination cannot be implemented from retrospective date. Accordingly, the order contained in Annexure-8 dated 27.4.2013 cannot operate from retrospective dated 6.2.2013 and as such Annexure-8 can not sustain. It is, accordingly, quashed.

The matter is remitted to the competent authority to pass fresh appropriate order in accordance with law after hearing the petitioners. The consequential benefit on quashing of Annexure-8, will abide by the final decision by the respondent authorities.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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