

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.177 of 2017

=====

Ravindra Kumar Verma son of Bisheshwar Kumar Verma Resident of Village-
Sundarbad, P.S.-Sikandra, District-Jmaui, Presently Posted as Prakhand
Teacher of Upgradded Middle School, Sundarbad, Block-1 Aliganj P.S.-
Sikandra, District-Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, H.R.D., Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. District Magistrate, Jamui
5. THE District Education Officer, Jamui
6. The District Programme Officer, (Estb.) Jamui
7. The Block Development Officer, 1 Aliganj, Jamui
8. The Block Education Officer, 1 Aliganj, Jamui

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s	:	Mr. S.C. Mishra- Sc16
For BSEB	:	Mr. Gyan Shankar, Advocate
For Respondent No. 10	:	Mr. Pankaj Kumar Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

9 18-12-2018 Heard learned Counsel for the petitioner and the
learned Counsel for the respondents.

Learned Counsel for the petitioner submits that the
order dated 23.12.2016, whereby he was removed from his
services as a Block Teacher, is without giving any opportunity
of hearing to the petitioner.

Counsel for the respondent State has submitted,
replying upon Annexure 1 i.e. office order dated 11.11.2016,
that the petitioner has failed to avail of the opportunity which
was granted to him. In support of such submission, he has



drawn attention of the Court towards Annexure 'D'.

On going through Annexure 'D' it is obvious that the same is a communication dated 6.9.2016 from the Block Education Officer to the Block Development Officer. The same is not a notice or opportunity to the petitioner, as is submitted by Counsel for the State. From the records he has not been able to show whether any notice or opportunity had ever been granted to the petitioner prior to issuing the impugned order in I.A. No. 214 of 2017 i.e. order dated 23.12.2016 issued by Block Development Officer, Aliganj.

The impugned order being penal in nature was required to be preceded by an opportunity of hearing in accordance with the principle of natural justice which, as is evident from the record, has not been done in the instant case. Such an order having civil and penal consequences without giving the petitioner opportunity of hearing and without complying with the principles of natural justice is unsustainable in law and for such technical lapse is being quashed.

The District Programme Officer (Establishment), Jamui, respondent No. 6, should ensure that the issue regarding petitioner's obtaining employment on the basis of forged certificate is inquired into in accordance with law expeditiously.



The petitioner should be issued a notice calling upon him to respond to the allegations and after affording due opportunity/hearing decision be taken by respondent No. 6 within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

