

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.370 of 2018

Reshma Parveen, W/o Md. Azmullah, R/o Moh.- Karimchak (Khanua), P.O. Chhapra, P.S.- Town, District- Saran

... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Human Resources, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Deptt. of Human Resources, Govt. of Bihar, New Secretariat, Patna.
3. The Dy. Director, Primary Education, Deptt. of Human Resources, Govt. of Bihar, New Secretariat, Patna.
4. The District Magistrate, at Chhapra, District- Saran.
5. The District Education Officer, at Chhapra, District- Saran.
6. The District Programme Officer at Chhapra, District- Saran.
7. The Block Development Officer, at Maker, P.O. Maker District- Saran.
8. The Block Education Officer at Maker, P.O. Maker, District- Saran.
9. The Headmaster-in-charge, Govt. Middle School, Maker, Block- Maker and the District- Saran

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Arvind Kumar Sinha, Advocate
For the Respondents	:	Mrs Binita Singh- SC 28 and Mr. VK Amritesh, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 06-12-2018 Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

Complaint of the petitioner is that her service as
Prakhand teacher in the Middle School, Maker under district
Saran has been terminated under the impugned communication
dated 21.4.2017.

It is submitted on behalf of the petitioner that without
affording any opportunity of hearing service of the petitioner
has been terminated alleging that she was absent for 2 years 8



months and 27 days.

Counter affidavit has been filed by the respondents relying upon the proceedings of a meeting of the Block Teachers Employment Committee dated 20.4.2017. Respondents are unable to show that the Block Teachers Employment Committee has the authority to decide the fate of a block teacher on such a meeting so as to visit the petitioner with harsh civil consequences of termination from service.

Admittedly, even from the proceedings dated 20.4.2017 it is apparent that the petitioner has not been heard by the authorities prior to inflicting such penal and civil consequence upon her. Assertion is that the decision of termination was a majority decision. It is trite law that a person cannot be visited with civil consequence without affording an opportunity of hearing which is in violation of the principle of Natural Justice, even if it is by majority.

The impugned order terminating the petitioner's service on the basis of majority of the Committee is clearly unsustainable in law. Order dated 20.4.2017 is quashed. The petitioner would be entitled to reinstatement with all civil consequences.

However, this order will not preclude the respondent



authorities to proceed against the petitioner in accordance with law in view of allegation of her absence taken note of herein above.

The writ petition is allowed.

(Madhuresh Prasad, J)

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