

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.924 of 2018

In
Civil Writ Jurisdiction Case No.277 of 2017

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1. Nantun Das @ Nantan Das, Son of Late Shiv Chandra Das, Resident of Village- Rampur Jaypal, P.O.- Sanathi, P.S.- Bochaha, District- Muzaffarpur.
 2. Sanjay Kumar, Son of Sri Umesh Paswan, Resident of Village- Kakrachak, P.O. and P.S.- Bochaha, District- Muzaffarpur.
 3. Sushil Kumar, Son of Sri Chandeshwar Prasad Yadav, Resident of Village- Karnpur, Bochaha, P.O. and P.S.- Bochaha, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Programme Officer, Establishment, Muzaffarpur.
5. The Block Education Officer, Bandra, District- Muzaffarpur.
6. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Bandra, Block- Bandra, District- Muzaffarpur.
7. The Panchayat Secretary-Cum-Member Secretary, Panchayat Niyojan Samiti, Rampur Dayal, Block- Bandra, District- Muzaffarpur.
8. The Panchayat Secretary-Cum-Member Secretary, Panchayt Niyojan Samiti, Sundarpur Ratwara, Block- Bandra, District- Muzaffarpur.
9. The Panchayat Secretary-Cum-Member Secretary, Panchayt Niyojan Samiti, Tepari, Block- Bandra, District- Muzaffarpur.
10. The Panchayat Secretary-Cum-Member Secretary, Panchayt Niyojan Samiti, Hatha, Block- Bandra, District- Muzaffarpur.
11. Dinesh Kumar, Son of Sri Ram Swarup Chourasia, Resident of Village- Karnpur Bochaha, P.O. and P.S.- Bochaha, District- Muzaffarpur.
12. Ajit Kumar, Son of Sri Nand Kishore Das, Resident of Village- Rampur Jaypal, P.O. and P.S.- Bochaha, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amish Kumar, Advocate
For the Respondent/s : Mr. P N Shahi, AAG 4

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-07-2018



It is stated that the defects pointed out by the office stand removed.

Delay of 1 year and 123 days in filing of the appeal is condoned and I.A. No. 5057 of 2018 stands allowed and disposed of.

Services of the petitioners were terminated on account of the fact that the certificates produced by them with regard to passing the eligibility test i.e., T.E.T., is a forged document. However, while doing so, opportunity of hearing was not granted and the principles of natural justice were not followed and this court in identical circumstances, in LPA No. 501 of 2017, arising out of an order passed in CWJC No. 277 of 2017 (Ajit Kumar Vs. The State of Bihar and Ors.) decided by a Coordinate Bench of this Court on 14.11.2017 has held that once the employee has been granted appointment on the basis of the certificates and documents produced by him, in case any adverse action is required to be taken on the ground that the certificates are not admissible for any reason, whatsoever, then opportunity of hearing has to be given to the incumbent and this view was taken on the basis of a judicial pronouncement in the case of Chief Post Master General Vs. Nirbhay Kumar, 2018 (3) P.L.J.R. 344. In this case also identical situation exists inasmuch as appointment of the petitioners has



been terminated only because they had produced a certificate which was not admissible for granting appointment to the post in question. Once adverse action was to be taken against the petitioners, the termination should have preceded a procedure known to law i.e., the principles of natural justice. The show cause notice or an opportunity of hearing should have been granted to the petitioner. This having not been done, we allow the appeal, impugned order dated 08.02.2017 passed by the learned writ court in C.W.J.C. No. 277 of 2017, and the order passed by the authority terminating the services of the petitioner are quashed. The respondent should reinstate the petitioner and thereafter proceed in the matter in accordance with law. The question of payment of salary and arrears for the intervening period shall be dependent on the final outcome of the enquiry to be conducted and the consequential action taken.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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