

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1061 of 2019

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Muneshwar Prasad Munna, Son of Late Murari Singh, Resident of Village and P.O.- Lohan, P.S. Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Human Resource Development, Bihar, Patna
2. The Principal Secretary, Department of Human Resources Development Bihar, Patna.
3. The District Appellate Tribunal, Sheikhpura through its Secretary.
4. The District Education Officer, Sheikhpura.
5. The District Programme Officer (Establishment), Sheikhpura.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, Appointment Unit, Zila Parishad, Sheikhpura.
7. The Principal, High School, Lohan, P.S.- Ariyari, District- Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
		Mr. Jyoti Ranjan Jha, Advocate
For the Respondent/s	:	Mr. Arbind Kumar Singh, AC to GP-20
For respondent no.6	:	Mr. Amarendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-08-2019 Heard learned counsel for the petitioner and the respondents.

In the present writ application, the petitioner is aggrieved by the orders as contained in Annexures- 2, 6 and 7.

Learned counsel for the petitioner submits that manifold infirmities have been committed in Annexure-6. Firstly; The decision was taken without compliance of principles of natural. Secondly; the order is non-speaking.



Thirdly; he submits that the detailed explanation furnished by the petitioner was not considered by the respondents. Fourthly; he submits that the institution where from the petitioner has obtained the training degree is affiliated to the University and as such the training degree of the petitioner cannot be faulted.

He lastly submits that the petitioner was appointed not on the basis of trained qualification, but as untrained and untrained were also entitled for appointment in absence of trained. All these aspects were not considered by the respondents.

Considering the aforesaid, Annexure-6 is quashed. The petitioner is reinstated. However, payment of salary shall abide by the fresh decision taken by the respondents on the objection (Annexure-3). The respondents shall also consider the fact that whether the petitioner was appointed as untrained, in case the petitioner was appointed as untrained teacher, then the order dispensing with the service cannot sustain, if the petitioner was not extended the benefit of trained teacher in the matter of appointment.

Necessary decision afresh may be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.



With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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