

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6220 of 2019

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Sunil Ranjan Son of Ram Pravesh Singh, Resident of Village-Pararia, Post
Office and Police Station-Bikramganj, District-Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Director Primary education, Department of Education, Government of Bihar, Patna
3. The District Education Officer Rohtas at Sasaram
4. The District Programme Officer (Establishment) Education, District-Rohtas at Sasaram
5. The Block Development Officer Bikramganj, District-Rohtas at Sasaram
6. The Block Education officer Bikramganj, District-Rohtas at Sasaram
7. The Mukhiya, Gram Panchayat-Nonhar-Cum-Chairman, Gram Panchayat Teachers Appointment Committee Nonhar, Block-Bikramganj, District-Rohtas at Sasaram
8. The Panchayat secretary, Gram Panchayat-Nonhar-Cum-Member Secretary, Gram Panchayat Teachers Appointment Committee Nonhar, Block-Bikramganj, District Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Roy
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (SC13)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-06-2019 This writ application has been preferred for quashing of the order as contained in memo no.1 dated 21.01.2019 issued under the signature of the respondent no.8 by which the respondent no.8 has removed the petitioner from the post of Panchayat Teacher on the direction of the respondent nos.3, 4, 5 and 6 on an allegation that the then Panchayat Appointment Committee Nonhar had illegally appointed him.



Learned counsel for the petitioner submits that this writ application is fit to be allowed on the ground of violation of the principles of natural justice inasmuch as it would appear from the statements made in the writ application that this has not been denied by the respondents that the appointment of the petitioner has been cancelled on the direction of the higher authorities i.e. the District Education Officer without initiating any proceeding against the petitioner. In paragraph 13 of the writ application a specific statement has been made saying that the petitioner has been removed without asking any show cause and without following the procedures established under the Appointment Rule of 2012.

Learned counsel for the State is present. Earlier vide order dated 01.04.2019, the respondents were directed to file a counter affidavit within four weeks. Neither any counter affidavit has been filed nor any plausible reason has been shown to the Court for not filing the counter affidavit.

In the given facts and circumstances of the case, since the statements made in the writ application remain uncontroverted, the impugned order as contained in memo no.1 dated 21.01.2019 (Annexure-1 and 1/A to the writ application) cannot sustain the test of law. The impugned order has been



passed in violation of the principles of natural justice as no opportunity of hearing has been given to the petitioner prior to cancellation of his appointment.

Learned counsel for the State has submitted that in the given facts and circumstances of the case, the matter may be remitted to the competent authority for fresh consideration.

Accordingly, this Court, while quashing Annexure-1 and 1/A to the writ application, would remit the matter back to the competent authority under the Appointment Rule of 2012 to consider the matter afresh after giving an appropriate opportunity of hearing to the petitioner and by following the established procedures of Rule prescribed in the Appointment Rule of 2012.

The writ application stands allowed.

(Rajeev Ranjan Prasad, J)

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