

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10001 of 2019

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Md. Bashirul Quadri Son of Late Md. Ali Hasan, Resident of Village-Badarbanna, P.S.-Bahera, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Director, Secondary Education Government of Bihar.
2. The Bihar State Madarsa Education , Vidyapati Marg Patna through its Secretary.
3. The Chairman, Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Vidyapati Marg, Patna.
5. The District education Officer, Madhubani.
6. Md. Shamsuzzama, the Secretary of the Managing Committee, Madarsa Azizia Faizul Uloom, Mokarrampur, P.S.-Sakri, District-Madhubani.
7. The Managing Committee of Madarsa Azizia faizul Uloom Mokarrampur, P.S.-Sakri, District Madhubani.
8. The Incharge Head Maulvi of Madarsa Azizia Faizul Uloom Mokarrampur, P.S.-Sakri, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Anisur Rahman
For the Respondent/s	:	Mr.Smt. Binita Singh (Sc28)
For M.B.	:	Mr. S.R. Haque
	:	Mr. Khurshid Alam

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-05-2019 The present writ petition has been filed for quashing the order dated 13.04.2019 passed by the Managing Committee of Madarsa Azizia Faizul Uloom Mokarrampur i.e. the respondent no. 7 herein, whereby and whereunder the petitioner has been dismissed from his services.



The learned counsel for the petitioner submits that without initiating any departmental proceeding and without holding any inquiry, required to be conducted, the disciplinary authority has passed a summary and a totally unreasoned order, whereby and whereunder the services of the petitioner herein has been terminated. It is submitted that no reason whatsoever has been assigned for terminating the services of the petitioner. It is further submitted that neither the order of termination has been passed, following the due process of law nor the principles of natural justice had been complied with, hence the impugned order of termination deserves to be set aside.

Per contra, the learned counsel for the respondents has not controverted the aforesaid submissions.

Having regard to the facts and circumstances of the case, the present writ petition is allowed and the order dated 13.04.2019 passed by the respondent no. 7 is quashed, however the matter is remanded back to the respondent no. 7 for taking recourse to appropriate proceedings in accordance with law. It is further directed that payment of the consequential benefits shall be subject to the final outcome of the proceedings to be undertaken by the respondent no. 7. However, it is directed that the aforesaid process should be completed by the respondent



no. 7 within a period of six months from today, failing which it would be deemed that there is no intention on the part of the respondents to conduct any proceedings against the petitioner and consequently, the petitioner would become liable to be paid the entire salary right from the date of his suspension/ dismissal.

The present writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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