

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10931 of 2018**

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Md. Shamsuddin son of Md. Amjad Sai, Resident of Village- Repura Rampur  
Vishwanath Post Office Jaitpur, Panchayat Rampur Vishwanath, Block  
Saraiya, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Regional Deputy Director Education, Tirhut Division, Muzaffarpur.
3. The District Education Officer, Muzaffarpur.
4. The District Programme Officer, Muzaffarpur.
5. The Block Education Officer, Sariaya, Muzaffarpur.
6. The Headmaster, Primary School, Rampur Vishwanath Garh Tola, Saraiya,  
District Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Anjum Perveen, Advocate  
For the Respondent/s : Mr.Ashutosh Ranjan Pandey- AAG-15

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      02-07-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

The petitioner is aggrieved by the order passed by the  
District Education Officer-cum- District Programme Officer,  
Literacy, Muzaffarpur as contained in Memo No. 42 dated  
25.1.2018.

Learned counsel for the petitioner would submit that  
the respondents have taken decision on the basis of the report of  
a Committee constituted by the District Magistrate. The service  
of the petitioner was dispensed with on the ground that in the



enquiry irregularity was found. The respondents have not given any opportunity of hearing before taking such decision and the decision to disengage the petitioner who was working as tTalmi Markaz is not sustainable in view of the fact that the order was passed on the basis of an enquiry which was conducted behind the back of the petitioner and without service of notice.

Considering the aforesaid, the writ petition is allowed. The order dated 25.1.2018, Annexure-1 is quashed as no order visiting evil and civil consequence can be passed without compliance of principle of natural justice. The petitioner is directed to be reinstated in service with all consequential benefits. However, the order will not come in the way of the respondents in taking fresh decision after opportunity of hearing in accordance with law.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

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