

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10872 of 2018

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Shafina Khatoon Daughter of Md. Gayasuddin, 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.Subhash Chandra Mishra- Sc16

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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 Talmi 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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