

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15689 of 2019

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Lalan Kumar Paswan S/o Sri Mahavir Paswan Ex. Panchyat Teacher, Primary School Santhal Tola, Mohania, R/o vill. and P.o.- Laalpur Block- Marauna, P.s.- Marauna, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Govt. of
2. The Principal Secretary Human Resources, Govt. of Bihar, Patna
3. The District Magistrate Supaul
4. The Superintendent of Police Supaul, Distt.- Supaul
5. The Deputy Superintendent of Police Vigilance Investigation Bureau, Patna
6. The Deputy Superintendent of Police Supaul, Distt.- Supaul
7. The District Education Officer Supaul, Distt.- Supaul
8. The District Programme Officer Establishment, Supaul
9. The Block Education Officer Supaul, Distt.- Supaul
10. The Panchayat Secretary-cum-Member Secretary Panchayat Niyojan Samiti, Goth Baruyari Panchyat Raj, Block- Supaul, Distt.- Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinkar Kumar, Advocate Mr. Ajit Kumar, Advocate Mr. Shambhu Sharan Kumar, Advocate
For the State	:	Mr. Vinay Kumar Mishra, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ petition is that the respondents have terminated the petitioner without compliance of principles of natural justice i.e. without giving any notice or opportunity of hearing.

The petitioner has served the respondents for 11 years but without any notice and opportunity of hearing the petitioner



has been condemned and terminated from the service. The petitioner placed reliance on a Division Bench decision of this Court in LPA No. 501 of 2017 in which by order dated 14.11.2017, it has been held out that the respondents are required to give notice and opportunity of hearing before taking decision to terminate the petitioner.

Considering the aforesaid, the order of termination dated 17.09.2018 as contained in letter No. 1166 (Ni) is quashed. However quashing of the order of termination does not preclude the respondents from taking fresh decision in accordance with law after opportunity of hearing to the petitioner.

The respondents are directed to reinstate the petitioner . However, the petitioner shall not be entitled to any salary unless the issue of validity of appointment, after enquiry, is decided in favour of the petitioner. The payment of the petitioner shall abide by the final out come of the enquiry to be made by the respondents with regard to his appointment.

(Anil Kumar Upadhyay, J)

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