

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11594 of 2015

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Phool Kumari, W/O Satnam Das, resident of village- Kalna, Post Office Basopatti, P.S. Harlakhi, District- Madhubani- 847225.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Gram Panchayat Rural Development Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Development Department, Govt. of Bihar.
3. District Panchayat Raj Officer (DPRO), Madhubani.
4. District Magistrate, Madhubani.
5. Sub-Divisional Officer, Benipatti, Madhubani.
6. Block Development Officer, Harlakhi, Madhubani.
7. Village Katchahari Kalua, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Birendra Narayan Sharma
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-01-2019 Petitioner, in the present case, is aggrieved by the letter no.11 MU dated 05.08.2014 (Annexure-11) and memo no.826 dated 01.07.2015 (Annexure-12) by which the District Magistrate, Madhubani has cancelled the appointment of the petitioner and directed for recovery of the amount paid to the petitioner. It is stated that the order of the District Magistrate is in the light of the report of the Sub-Divisional Magistrate who had reported that the appointment of the petitioner on the post of Katchahari Secretary had been made wrongly.

Learned counsel for the petitioner, for purpose of quashing of the impugned orders, at this stage, raises a short



point for consideration. Learned counsel has drawn the attention of this Court towards the statements made in paragraph 21 and 24 of the writ application wherein the petitioner has specifically stated that the impugned orders have been passed without giving any notice or opportunity of hearing to the petitioner.

Learned counsel for the State is present, but he is unable to demonstrate from the counter affidavit that prior to passing of the impugned orders any notice or opportunity of hearing was given to the petitioner to present her case. In absence of any specific denial to the averments made in the writ application, this Court would have no hesitation in coming to a conclusion that the impugned orders suffer from violation of principles of natural justice. The order cancelling the appointment of the petitioner and directing recovery of the amount paid to the petitioner has got a civil consequence. While passing any such order, it was incumbent upon the District Magistrate, Madhubani to give an opportunity of hearing to the petitioner which has not been done in the present case.

For the reasons aforesaid, the impugned orders, as contained in Annexure-11 and 12, are quashed. The District Magistrate, Madhubani shall now pass a fresh order after giving proper opportunity to the petitioner to defend her case.



It goes without saying that all such reports on which the District Magistrate would like to rely, copy of those reports shall be made available to the petitioner. After considering the stand of the petitioner, the District Magistrate, Madhubani shall pass a reasoned order which will also be communicated to the petitioner within a reasonable time.

The writ application is thus allowed to the extent indicated above.

(Rajeev Ranjan Prasad, J)

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