

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3536 of 2018

=====

Ram Sunder Mandal Son of Sita Ram Mandal, Resident of Village and P.O.
Ranna, P.S. Hathauri, Via Baheri, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Samastipur.
3. The District Education Officer, Samastipur.
4. The District Panchayat Raj Officer, Samastipur.
5. The Block Development Officer, Shivaji Nagar, District- Samastipur.
6. The Block Education Officer, Shivaji Nagar, District- Samastipur.
7. Mukhiya, Gram Panchayat Raj Dahiyar Ranna, Shivaji Nagar Block, District of Samastipur.
8. Panchayat Sachiva, Gram Panchayat Raj Dahiyar Ranna, Shivaji Nagar Block, District of Samastipur.
9. The Headmaster, Primary School Garibasantpur, Shivaji Nagar Block, District Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Amarendra Narayan
For the Respondent/s : Mr.Ashutosh Ranjan Pandey -Aag15

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 02-09-2019 Petitioner is aggrieved by the order dated 16.6.2015

whereby the appointment of the petitioner has been cancelled in

the light of guideline obtained by the Panchyat Secretary.

Learned counsel for the petitioner would submit that

petitioner was initially appointed as Shiksha Mitra and later on

by virtue of Rule 20 of 2006 he was absorbed in service as

Panchayat teacher. He was regularly paid salary.

In the counter affidavit the respondents have enclosed



letter dated 16.6.2018 which indicates petitioner's appointment has been cancelled. The decision is based on ex-parte enquiry as to the farzi certificate and farzi date of birth. Inference was drawn on the basis of discrepancies in the certificate of Madhyama and the entry of the date of birth in class-I of the petitioner.

It is well settled that no order visiting civil and criminal consequences can be passed without complying principle of natural justice. Admittedly, in the present case no opportunity of hearing was provided to the petitioner and as such the order dated 16.6.2015 is unsustainable. It is accordingly quashed.

The writ application stands allowed.

The respondents are directed to reinstate the petitioner with all consequential benefits.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

