

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19373 of 2019

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Md. Hedayetullah, Son of Md. Amanullah, Resident of Ward No. 13,
Madhupatti, P.O. Sidhauri, P.S. Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The District Magistrate, Samastipur.
3. The District Education Officer, Samastipur.
4. The District Program Officer(Establishment), Samastipur.
5. The Block Education Officer, Kalyanpur, Samastipur.
6. The Member Secretary-Cum-Gram Panchayat Secretary, Gobindpur Khajuri,
Kalyanpur, Samastipur,.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 19391 of 2019

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1. Hari Bhushan Prasad, Son of Late Vishwanath Prasad Resident of Ward
No.13, Anand Nagar, Bhuindhara, P.O. Samastipur, P.S. Muffassil, District-
Samastipur.
2. Prakash Kumar Singh Son of Arun Kumar Singh Resident of Village-
Siropatti, Ward No.11, P.O. Illmas Nagar, P.S. Khanpur, District-
Samastipur.
3. Bikash KUMAR Son of Ashok Kumar Resident of Village-Birol, P.O. and
P.S.-Musrigharari, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The District Magistrate, Samastipur.
3. The District Education Officer, Samastipur.
4. The District Program Officer (Establishment),Samastipur.
5. The Block Education Officer, Kalyanpur, Samastipur.
6. The Member Secretary-Cum-Gram Panchayat Secretary, Gobindpur Khajuri,
Kalyanpur, Samastipur.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 19412 of 2019

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Ravi Shankar S/o Chhote Lal Sah, resident of Mohalla- Shaikhtoli, Ward No. 24, P.O.- Samastipur, P.S.- Samastipur Town, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur
2. The District Magistrate Samastipur
3. The District Education Officer Samastipur
4. The District Program Officer (Establishment) Samastipur
5. The Block Education Officer Kalyanpur, Samastipur
6. The Member Secretary-cum-Gram Panchayat Secretary Kalyanpur, Samastipur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19415 of 2019

1. Subhash Kumar Singh, Son of Late Ram Chandra Prasad Singh, Resident of Village-Chandharpur, Ward No. 6, P.O.-Mokhtarpur, P.S.-Kalyanpur, District-Samastipur.
2. Asim Kumar, Son of Sri Ram Dayal Sah, Resident of Village-Gauspur Sarsona, P.O. Gauspur Sarsona, P.S. Bangra, District-Samastipur.
3. Arun Kumar Baitha, Son of Satya Narayan Baitha, Resident of Village-Rampura, P.O. Gopalpur, P.S. Kalyanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The District Magistrate, Samastipur.
3. The District Education Officer, Samastipur.
4. The District Program Officer (Establishment), Samastipur.
5. The Block Education Officer, Kalyanpur, Samastipur.
6. The Member Secretary-cum-Gram Panchayat Secretary, Tira, Kalyanpur, Samastipur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19373 of 2019)

For the Petitioner/s : Mr.Amish Kumar, Advocate

For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

(In Civil Writ Jurisdiction Case No. 19391 of 2019)

For the Petitioner/s : Mr.Amish Kumar, Advocate

For the Respondent/s : Mr.Madhaw Prasad Yadav (Gp23)

(In Civil Writ Jurisdiction Case No. 19412 of 2019)

For the Petitioner/s : Mr.Amish Kumar, Advocate



For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc13)
(In Civil Writ Jurisdiction Case No. 19415 of 2019)
For the Petitioner/s : Mr.Amish Kumar, Advocate
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 23-09-2019

Heard learned counsel for the petitioner and the State.

2. The grievance of the petitioners in the present writ petitions is termination of their services without compliance of the principles of natural justice.

3. The issue with regard to termination from service without compliance of the principles of natural justice is no more res integra. In LPA No. 501 of 2017 a Division Bench has occasion to decide the issue vide judgment reported in 2018(2) PLJR 265.

4. Since I was party in the Division Bench, it is obligatory on my part to decide the present writ petition in the light of the judgment of the Division Bench in LPA No. 501/2017.

5. Considering the aforesaid judgment of the Division Bench, to which I was party, all the four writ petitions are allowed. The orders of termination dated 19.8.2019, Annexure-4 to CWJC No. 19373 of 2019, 19.8.2019, Annexure-3 to CWJC No. 19391 of 2019, 15.5.2019, Annexure-5 to CWJC No. 19412 of 2019 and 9.8.2019, Annexure-7 to CWJC No. 19415 of 2019 are quashed.



6. The matter is remanded back to the respondents to strictly comply with the principles of natural justice and after opportunity of hearing to the petitioner take appropriate decision afresh within a period of two months from the date of receipt/production of a copy of this order.

7. As a consequence of quashing of the termination orders, the petitioners shall be reinstated but the benefits of payment of salary shall abide by the fresh enquiry and final decision taken in the matter by the respondents.

8. With the aforesaid, all the four writ petitions stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2019
Transmission Date	NA

