

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23530 of 2018

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Anamika Kumari D/o Krishna Mohan Singh, W/o Rakesh Kumar, Resident of
Village- Jaya, Post- Chiraila, Police Station- Gayaghat, District- Muzaffarpur.
... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
 2. The Director, Primary Education, Government of Bihar, New Secretariat,
Patna.
 3. The District Magistrate, Muzaffarpur.
 4. The District Education Officer, District Muzaffarpur.
 5. The District Programme Officer, Establishment, Muzaffarpur.
 6. The Block Education Officer, Block- Bandra, District- Muzaffarpur.
 7. The Panchayat Secretary cum Member Secretary, Panchayat Niyojan Samiti,
Gram Panchayat Raj, Sundarp Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. U.K. Mishra
For the Respondent/s : Mr. Abhanjali

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-01-2019

1. The learned counsel for the parties are in agreement that the present case is squarely covered by a judgment *dated 14.11.2017* passed by the learned Division Bench in *L.P.A. no. 501 of 2017(Ajit Kumar v. The State of Bihar and others.)*.

2. As far as the present case is concerned, the petitioner has been terminated vide order dated 30.11.2016 issued by the Panchayat Secretary cum Member Secretary, *Panchayat Niyojan Samiti*, Sunderpur, Ratwara, Bandra Block, Muzaffarpur without any notice, indicating that the T.E.T. certificate produced at the time of appointment has been found to be forged.



3. Considering the judgment passed by the learned Division Bench of this Court ***dated 14.11.2017***, the present writ petition is allowed and the order dated 30.11.2016 passed by the respondent no. 7 i.e. Panchayat Secretary cum Member Secretary, *Panchayat Niyojan Samiti*, Sunderpur, Ratwara, Bandra Block, Muzaffarpur is quashed in view of the fact that no opportunity of hearing has been granted to the petitioner to submit her defence since no show cause notice was issued to the petitioner prior to termination of her services.

4. However, liberty is granted to the respondents to proceed further in accordance with law. It is further directed that the respondents shall reinstate the petitioner forthwith and thereafter, proceed in the matter in accordance with law, however for the intervening period, no salary shall be payable to the petitioner and the same would be dependent upon the final outcome of the inquiry to be conducted by the respondents as also the action proposed to be taken by them pursuant to such inquiry.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2019
Transmission Date	NA



