

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3575 of 2020

1. Nandlal Paswan Son of Late Bhola Paswan Resident of Village and P.O.- Ward No. 10, Ratwara, P.S.- Kalyanpur, District- Samastipur.
2. Ritu Kumari @ Ritoo Kumari Wife of Chandan Kumar Resident of Village- Parmanandpur Lal, Ward No. 13, P.O.- Chhitrauli, P.S.- Mahua, District- Vaishali.
3. Pawan Kumar @ Pawan Kumar Karn Son of Shivchandra Lal Karn Resident of Narar Goth, Ward No.4, P.O.- Narar West, P.S.- Narar, District- Madhubani.

... .. 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

Appearance :

For the Petitioner/s : Mr.Amish Kumar

For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and the State.

2. The grievance of the petitioners in the present writ petition 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, the writ petition is allowed. The orders of termination dated 15.5.2019, Annexure-4 is 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 petitioners 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. In order to maintain consistency, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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