

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4359 of 2020

Chandan Kumar son of Jhappu Mandal alias N.K. Mandal, resident of village and Post office Mahisaua, Police Station and District- lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna-800001
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna-800001
3. The District Programme Officer (Establishment), Lakhisarai, District Lakhisarai
4. The District Education Officer, Lakhisarai, District Lakhisarai
5. The Block Education Officer, Chanan, District Lakhisarai, District Lakhisarai
6. The Incharge Headmaster, Primary School, Harijan Tola, Itaun, District Lakhisarai
7. The Mukhiya, Gram Panchayat, Kundar, District Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr.Sangha Mitra Ghosh, Advocate
For the Respondent/s	:	Mr.Kameshwar Kumar (GP-17)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 20.11.2019 as contained in Annexure-3 to the writ petition terminating the services of the petitioner.

Learned senior counsel appearing on behalf of the petitioner submits that simply because vigilance case was registered is no ground to terminate the services of the



petitioner. There may be allegation of forged certificate but without providing opportunity of hearing merely on that allegation the respondents have dictated the Employment Unit to terminate the services and only on that basis the service of the petitioner has been terminated.

Considering the fact that the principles of natural justice has not been followed at the time of taking decision dispensing with the services of the petitioner, the writ petition succeeds only on the limited ground that opportunity of hearing was not provided before taking such decision. Accordingly, the order dated 20.11.2019, annexure-3 is quashed. The petitioner shall be reinstated. However, payment of salary shall abide by the final outcome of the fresh decision to be taken by the competent authority after opportunity of hearing to the petitioner.

Let the respondents take fresh decision at the earliest after opportunity of hearing to the petitioner.

With the aforesaid, the writ petition stands disposed of. .

(Anil Kumar Upadhyay, J)

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