

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5717 of 2020

=====

Kumari Lalti Sinha, Wife of Vijay Prasad Singh, resident of Village-Sonbhadra, P.S. Bansi, and District-Arwal-804419.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Education Government of Bihar Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
4. The District Program Officer (Establishment), Arwal.
5. The Block Education Officer, Sonbhadra, Vanshi Suryapur, Arwal.
6. The Member Secretary Cum Block Development Officer, Block Teachers appointment Committee, Sonbhadra, Vanshi Suryapur, Arwal.

... .. Respondents.

=====

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate.
For the Respondent/s : Mrs. Vinita Singh, SC-28

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 24-06-2020

This case has been heard through video-conferencing.

Heard Mr. Gautam Kumar Kejriwal, learned counsel for the petitioner and Mrs. Vinita Singh, learned SC-28 for the State.

The petitioner has approached this Court for quashing of the office order issued vide Memo No.132 dated 20.02.2020 by the respondent no.6, whereby the services of the petitioner has been terminated and also for other ancillary reliefs.



Pursuant to an advertisement issued by the State Government in the year 2005, inviting application from eligible candidates, the petitioner, finding herself to be eligible, applied for the said post and, later on, she was held qualified and a letter of appointment dated 10.05.2005 was issued under the signature of Secretary and Mukhiya of the Gram Panchayat, Sonbhadra. The petitioner joined on the post of Shiksha Mitra and has been serving in the said school since her appointment. In the year, 2018, the petitioner was informed that there is some error in her marks-sheet relating to her total marks obtained by her in intermediate of arts course. Accordingly, the petitioner was advised to get her marks-sheet rectified from the Bihar Intermediate Council. The petitioner submitted representations before the Bihar Intermediate Education Council for correction of her marks-sheet but finding no response, she approached this Court vide C.W.J.C. No.2209 of 2020 in which vide order dated 24.02.2020 Bihar Intermediate Council was directed to file a counter affidavit and since then the same is pending. Suddenly, in the first week of May, 2020, the petitioner received an office order issued vide Memo No.132 dated 20.02.2020, by which petitioner's service as teacher has been terminated by the respondent no.6 on the purported ground of forged certificate.



Learned counsel for the petitioner submits that the said office order was received by him in the first week of May, 2020, which was issued on 20.02.2020. The petitioner was never issued any prior notice by the respondents much less the Block Teachers Appointment Committee, Sonbhadra, Vanshi Suryapur, Arwal seeking any explanation from her towards proposed termination of her service. The petitioner is unaware of any such proceeding initiated against her. He further submits that the petitioner was never afforded any opportunity of hearing/explanation to be placed before the respondents in connection with such proceeding for termination of her service. He lastly submits that the said impugned order has been issued in utter violation of principles of the natural justice.

On the other hand, learned counsel for the State submits that the petitioner has approached this Court without exhausting the alternative remedy available in the nature of appeal before the District Teachers Employment Appellate Authority and she may be directed to approach the Appellate Authority so that her grievance on facts as well as on law may be appropriately decided by the Appellate Authority.

In view of the above, this writ application is disposed of with a liberty to the petitioner to file an appeal



before the District Teachers Employment Appellate Authority. In the event, such appeal is filed by the petitioner within a period of one month from today and/or normal functioning of the Appellate Authority along with a copy of this order, the District Teachers Employment Appellate Authority will decide the same after condoning the delay, if any, in filing the appeal.

With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2020
Transmission Date	NA

