

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22243 of 2019

=====

Manbodh Kumar Son of Maheshwari Prasad Yadav Resident of Ward No. 07,
Turkahi, P.O. Turkahi Tunyahi Dakhinwari, Police Station and District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The District Education Officer, Purnea.
4. The Block Education Officer, Banmankhi, District- Purnia.
5. Executive Officer, Nagar Panchayat, Banmankhi, District- Purnea.
6. The District Project Officer (Establishment), Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra (SC 16)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-01-2020

The petitioner has challenged the order passed by the Executive Officer, Nagar Parishad, Banmankhi dated 22.02.2019 contained in Memo No. 1116 whereby the petitioner has been terminated from the service of Panchayat Teacher. Against the aforesaid order, Appeal No. 14 is pending before the District Appellate Authority, Purnea.

Learned counsel for the petitioner has submitted that earlier also, the appointment of the petitioner was



cancelled but by the order of the District Magistrate, Purnea, such order of termination was set aside on the ground that the principles of natural justice was not followed and the termination was only on the basis of some suspicion against the candidature of the petitioner.

In the present case, the petitioner appears to have been terminated on the ground that the roll number of the petitioner reflected the name of a different person than the petitioner. There was, according to the petitioner a clerical error and a request was made for correction of the name of the petitioner. Without making any inquiry whether such mistake was deliberate or inadvertent, the appointment of the petitioner has been cancelled.

Learned counsel for the petitioner has submitted that because of the setting aside of the earlier termination order by the District Magistrate, the concerned respondent has been nursing a grudge against the petitioner and in this occasion, without any valid/plausible reason, order of termination has been passed.



Learned counsel appearing for the respondent/State has submitted that once the petitioner has preferred an appeal before the District Appellate Authority, it would not be prudent for this Court to entertain this petition, notwithstanding the fact that the appeal is pending for a long time. It has been suggested by the learned counsel for the State that a direction be issued to the District Appellate Authority to dispose of the appeal after taking into account every aspect of the matter in an objective manner.

There appears to be force in the submission of the learned counsel for the State.

The petitioner shall file a reminder letter annexing a copy of this order within two weeks before the appellate authority, Purnea with a request to take up Appeal No. 14 of 2019. On receipt of such reminder letter, the appellate authority shall, after affording hearing to the concerned parties, dispose of the appeal within a further period of



four weeks thereafter. Needless to state that the order shall be a reasoned order.

Learned counsel for the petitioner further submits that with the vacancy of the post of such teacher on the termination of appointment of the petitioner, an advertisement has been issued for filling up such post. This Court has not passed any order forestalling that process but any appointment on such post which has become vacant because of the termination of the petitioner shall be subject to the outcome of the decision by the appellate authority in Appeal No. 14 of 2019.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2020
Transmission Date	

