

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22185 of 2019

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Md. Israfil Son of Md. Jhapas, Resident of Village-Chochahi, P.S.-Paroo,
District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Patna, Bihar.
2. The Principal Secretary, Education Department, Patna, Bihar.
3. The Director, Education Department, Bihar, Patna.
4. The Regional Deputy Director, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The District Education Officer, Education Department, Muzaffarpur.
7. The District Program Officer, Establishment, Education Department, Muzaffarpur.
8. The Block Education Officer of Paroo, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-01-2020

Heard the learned counsel for the parties.

The petitioner has challenged the order dated 25.01.2018 passed by the District Education Officer-cum-District Programme Officer, Literacy, Muzaffarpur contained in Memo No. 42, whereby his appointment has been cancelled in view of an enquiry report by a committee constituted by the District Magistrate which disclosed irregularities in the appointment of Talim Markaj Education



Workers, which order has been passed under the direction of the Secretary of Education Department.

Learned counsel for the petitioner has shown to this Court an order dated 05.02.2019 passed by a Coordinate Bench of this Court in C.W.J.C. No. 1951 of 2019, wherein the order of cancellation of appointment of another Education Worker, has been set aside on the ground of no notice having been served upon him before such an order.

The aforesaid order also indicates that permission was granted to the District Education Officer cum District Programme Officer (Establishment) to proceed afresh in accordance with law i.e., giving notice to the employee before cancelling his appointment.

Learned counsel for the State however contends that because of the mass irregularities discerned in the appointment, such an order had been passed. An enquiry committee was constituted by the concerned District Magistrate, and in the enquiry, necessary notice was given



to such appointees. It was only when their appointment was not found to be in order, a general order was passed by the Secretary of the Education Department that all such appointments be cancelled.

It is in this context, that the learned counsel for the State submits that in this kind of case of cancellation of appointments, the same ought not to have been interfered with on the ground of no specific notice having been served on such appointees.

It has further been submitted that a notice was issued to the petitioner *vide* letter no. 3 dated 03.01.2018 but it appears from the submission of the petitioner that the same was never served upon him as the notice was sent to the Headmaster of the school.

However, considering the fact that similar such cancellation of appointment letter has been set aside by a Coordinate Bench of this Court, this Court is left with no alternative but to quash the letter impugned in the present petition with a direction to the concerned respondent to



initiate a fresh proceeding for cancellation of appointment
after giving notice to the petitioner.

With the aforesaid observation / direction, this
petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	24.01.2020
Transmission Date	

