

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5550 of 2020

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1. Rekha Kumari Wife of Shashi Bhushan Das Resident of Village- Samartha, Police Station- Bibhutipur, District- Samastipur.
 2. Kiran Kumari Wife of Debu Rajak Resident of Village- Lakhnipur Maheshpatti, Police Station- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Deptt., Patna.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The District Magistrate Samastipur.
5. The District Education Officer Samastipur.
6. The District Programme Officer (Establishment) Samastipur.
7. The Block Education Officer Bibhutipur, Samastipur.
8. The Member Secretary Block Niyojan Samiti, Bibhutipur, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 22-03-2021 1. The present writ petition has been filed for quashing the order dated 21.07.2018, issued by the District Programme Officer (Establishment), Samastipur, whereby and whereunder the petitioners have been restrained from registering their attendance in the school in question and payment of salary has also been stopped, on the basis of a Newspaper report to the effect that F.I.R. has been lodged against the petitioners.
2. The learned counsel for the petitioners has submitted that it is a well settled principle of law that without



following the Principals of Natural Justice and without taking recourse to a duly constituted departmental proceeding, no adverse orders can be passed against the petitioners. In this connection, the learned counsel for the petitioners has referred to an order ***dated 06.08.2019***, passed by a co-ordinate Bench of this Court in ***C.W.J.C. no. 15863 of 2019*** as also a judgment ***dated 14.11.2017***, passed by the learned Division Bench in ***L.P.A. no. 501 of 2017 (Ajit Kumar v. The State of Bihar and others)***.

3. *Per contra*, the learned counsel for the State, by referring to the counter affidavit, has submitted that the experience certificate of the petitioners are stated to be forged and fabricated, inasmuch mention thereof, has not been made in the Issue Register and investigation is still going on in the matter.

4. I have heard the learned counsel for the parties and perused the materials available on record and I find that the impugned order dated 21.07.2018, *qua* the petitioners herein, has been passed without either issuing any show cause notice to the petitioners or at least granting an opportunity of hearing to them, hence the same is contrary and in violation of the Principals of Natural Justice, thus the impugned order dated



21.07.2018, passed by the District Programme Officer (Establishment), Samastipur *qua* the petitioners herein, is quashed, however with liberty to the respondents to proceed in the matter in accordance with law. Consequently, the petitioners are directed to be reinstated, however the payment of back wages to the petitioners shall be dependent upon the final outcome of the inquiry proceedings, to be conducted by the respondents with regard to the legality and validity of the claims of the petitioners and the action proposed to be taken by the respondents after such inquiry.

5. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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