

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16879 of 2019

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Shweta Kumari Wife of Sushil Kumar Resident of Village- Bhada, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Education Department, Government of Bihar, New Secretariat Vikash Bhawan, Bailey Road, Patna-800001.
2. The Director Jan Shikha (Mass Education), Govt. of Bihar, New Secretariat Vikash Bhawan, Patna.
3. The District Magistrate cum Collector District- Saharsa.
4. The District Education Officer Saharsa.
5. The District Programme Officer (Literacy) District- Saharsa.
6. The Block Education Officer (BEO) Saur Bazar, District- Saharsa.
7. The Head Master Primary School Bhada, P.S.- Saur Bazar, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sharma, Advocate Mr. Subesh Sharma, Advocate
For the Respondent/s	:	Mr. Jai Prabhat Kishore, Ac to Sc-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 08-12-2021

Heard learned counsels for the parties.

In the instant petition, petitioner has sought for the following reliefs:

“(i) For quashing or set aside the order dated 04.05.2019 contained in Memo No. 152 passed by the District Programme Officer



(Literacy), District-Saharsa (respondent no. 5) whereby and whereunder said respondent authority in most mechanical manner without serving notice or inviting show cause or giving any opportunity of hearing to petitioner, terminate her service from the post of Toal Sewak with retrospective effect from dated 05.05.2018.

(ii) For direction to reinstate the service of petitioner and further prayer to provide all consequential benefit attached to the relevant post.

(iii) And for any other relief/reliefs for which the petitioner is found to be entitled under the provision of law involved in the present case.”

Admittedly, petitioner has not been issued notice before her termination, which was passed on 04.05.2019. While terminating the services of petitioner, it has been given effect from 05.05.2018. In other words, there cannot be retrospective termination of an employee.

In the light of aforesaid facts and circumstances, the impugned order dated 04.05.2019 passed by District Programme Officer, Saharsa at Annexure-6 is set aside and petitioner shall be taken back on duty forthwith, reserving liberty to the concerned respondent to proceed in accordance with law. If the official respondents are of the view that petitioner is required to be terminated, in that event, all the formalities which are warranted



shall be completed, before taking any further action against the petitioner.

Thus, the petition stands disposed of.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

