

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23675 of 2019

1. Pradeep Kumar aged about 47 years Son of Sewalal Yadav, R/o Village and P.O.- Saraigarh, P.S. Kishanpur, District- Supaul.
2. Jivkant Mehta, aged about 44 years, Son of Gyandeo Mehta, R/o Village- Sadanandpur, P.O. Baisa, P.S. Bhapatiyahi, District- Supaul.
3. Anita Kumari, aged about 44 years D/o Ram Lakhan Mehta, R/o Village- Bhapatiyahi, P.S. Bhapatiyahi, District- Supaul.
4. Kumarin Sita, aged about 34 years W/o Dileep Kumar Singh, R/o At and P.O.- Parwa, P.S. Jaynagar, District- Madhubani.
5. Sudha Kumari, aged about 39 years D/o Rampal Chaudhary, R/o At and P.O.- Supaul, Ward No. 18, P.S. and District- Supaul.
6. Manoj Kumar, aged about 45 years Son of Ramdeo Mahta, R/o Village- Pipra Khurd, Ward No. 5, P.S. Bhapatiyahi, District- Supaul.
7. Asha Kumari, aged about 40 years W/o Sumant Kumar Mehta, R/o Village - Gadhiya, P.S. Bhapatiyahi, District- Supaul.
8. Dashrath Kumar, aged about 35 years S/o Deonarayan Sharma, R/o Village and P.O.- Basaha, P.S. Pipra Bazar, District- Supaul.
9. khushbu Bharti, W/o Rupesh Kumar Verma, R/o Village- Hardas Chak, P.S. Muffasil, District- Khagaria.
10. Meena Kumari, aged about 32 years Digambar Prasad Mehta, R/o Village- Pipra Khurd, P.S. Bhapatiyahi, District - Supaul.
11. Kumari Veena Mehta, aged about 43 years D/o Ramdeo Mehta, R/o Village- Pipra Khurd, P.S. Bhapatiyahi, District - Supaul.
12. Reena Kumari, aged about 36 years D/o Maheshwar Mahto, R/o Village- Mansapur, P.S. Karjain Bazar, District- Supaul.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate Supaul, District- Supaul.
5. The District Education Officer, Supaul, District- Supaul.
6. The District Programme Officer, Establishment(Education), Supaul, District- Supaul.
7. The Block Development Officer Saraigarh Bhapatiyahi, District- Supaul.
8. The Block Education Officer, Saraigarh Bhapatiyahi, District- Supaul.
9. The Mukhiya, Gram Panchayatn Raj Jhilladumari, Block-Saraigarh Bhapatiyahi, District- Supaul.



10. The Panchayat Secretary, Gram Panchayatn Raj Jhilladumari, Block- Saraigarh Bhapatiyahi, District- Supaul.
11. The Mukhiya, Gram Panchayat Raj Pipra Khurd, Block- Saraigarh Bhapatiyahi, District- Supaul.
12. The Panchayat Secretary, Gram Panchayat Raj Pipra Khurd, Block- Saraigarh Bhapatiyahi, District- Supaul.
13. The Mukhiya, Gram Panchayat Raj Bhaptiyahi, Block- Saraigarh, Bhapatiyahi, District- Supaul.
14. The Panchayat Secretary, Gram Panchayat Raj Bhaptiyahi, Block- Saraigarh, Bhapatiyahi, District- Supaul.
15. The Mukhiya, Gram Panchayat Raj Saraigarh, Block- Saraigarh Bhapatiyahi, District- Supaul.
16. The Panchayat Secretary, Gram Panchayat Raj Saraigarh, Block- Saraigarh Bhapatiyahi, District- Supaul.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. P.K.Shahi, Senior Advocate and Mr.Mrityunjay Kumar, Advocate
For the Respondents	:	Mr.Jitendra Kr. Roy 1 (SC13)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 05-01-2021

Heard Mr. P.K.Shahi, learned Senior counsel for the petitioners as well as Mr. Jitendra Kumar Roy, learned Standing Counsel 13 for the State through Video Conferencing.

2. Through this writ petition, petitioners have sought for quashing of order dated 16.9.2019 (Annexure 1) passed by the State Appellate Authority, Bihar in Appeal No.216 of 2018, by which appointments of petitioners on the post of Panchayat Teacher/Block Teacher, have been cancelled. Petitioners have also prayed for quashing subsequent orders of termination of services



of the petitioners which have been passed pursuant to order dated 16.9.2019 by way of filing Interlocutory Application No.1 of 2020.

3. It is submitted on behalf of the petitioners that the impugned order dated 16.9.2019, passed by the State Appellate Authority, Bihar is unsustainable simply on the ground that the order has been passed without hearing the petitioners. It is further submitted that though the petitioners were noticed by the State Appellate Authority, Bihar, Patna in Appeal Case No. 216 of 2018 but due to unavoidable circumstances, no appearance was filed on behalf of the petitioners because the learned counsel for the petitioners, namely, Late Ranjan Kumar, to whom brief was handed over, died in the month of February, 2019 and due to communication gap petitioners could not be heard while passing order dated 16.9.2019.

4. In view of the aforesaid submissions, the impugned order dated 16.9.2019 as well as consequential order dated 13.11.2029 (Annexure 21), order dated 19.11.2019 (Annexure 22), order dated 13.12.2019 (Annexure 23) and order dated 13.12.2019 (Annexure 24), are set aside. The matter is remanded to the learned State Appellate Authority, Bihar to pass fresh order after hearing all the parties.



5. Petitioners are directed to appear before the learned State Appellate Authority, Bihar along with a copy of this order within a period of four weeks from today and the learned State Appellate Authority, Bihar is expected to dispose of the appeal after affording opportunity of hearing to all the parties including the petitioners, preferably within a period of three months thereafter. Petitioners are at liberty to raise the issues contained in the writ petition as well as the issue of delay in filing the aforesaid appeal, before the learned State Appellate Authority, Bihar.

6. However, in view of the fact that the impugned orders are being set aside on the ground of procedural infirmity, petitioners will not be reinstated in service pursuant to this order and the same shall be subject to the final order passed by the learned State Appellate Authority, Bihar.

7. Writ petition as well Interlocutory Application No.1 of 2020 are allowed with the aforesaid observations.

Shashi

(Prabhat Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.1.2021.
Transmission Date	NA

