

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2464 of 2021

Chandeshwar Ram S/o Kalkati Ram R/o Vilalge Chanpura, P.S. Parsa, Distt. Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Chief Secretary, State of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Bihar, Patna.
4. The Director, Mass Education, Education Department, Bihar, Patna.
5. The Director (Janshiksha) Education Departemnt, Bihar, Patna.
6. The District Magistrate, Saran.
7. The District Transport Officer, Saran.
8. The District Education Officer , Saran.
9. The District Programme Officer, Establishment), Saran.
10. The District Program Officer, (Literacy), Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG 3

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

Date : 03-03-2022

Heard learned counsel for the parties.

2. State counsel accepts notice for respondents.

3. In the instant petition, petitioner has prayed for the following relief/reliefs:

“i) To quash the Memo No. 1714 dated 06.11.2020 issued by the director Jan shiksha Cum Additional Secretary Education Department, Bihar, Patna whereby and where under the appointment of the petitioner has been cancelled on the ground he was not working as a instructor continuously three years on the basis of his payment and also direct the authority to recover the paid salary. A copy of memo dated



06.11.2020 is annexed herewith and marked as Annexure – 1 to this application.

ii) To further direct the respondent authority stay the recovery order passed in abovesaid memo dated 06.11.2020.

And/or any other appropriate relief(s) to the petitioners for which they may be found entitle under the fact and circumstances of the case.”

4. The impugned action of the respondent is without notice to the petitioner. Once the petitioner has been regularized against the post, before cancellation he is entitled to notice and other formalities including holding of an enquiry. The aforesaid formalities have not been completed.

5. In C.W.J.C. No. 1986 of 2021 decided on 22.02.2022 the issue was same. Therefore, the present petition stands disposed off in terms of order passed in C.W.J.C. No. 1986 of 2021 decided on 22.02.2022.

6. The impugned order dated 06.11.2020 stands set aside, reserving liberty to proceed in accordance with law.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	09.03.2022
Transmission Date	

