

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18200 of 2021

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1. Anand Kumar, S/o Sri Laxman Ray, R/o Village - Nimahi, P.S. - Bajpatti, District - Sitamarhi.
 2. Mukesh Prasad Yadav, S/o Sri Chandeshwar Prasad Yadav R/o - At and P.O. - Aurai, P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Sitamarhi.
4. The District Programme Officer (Estt.), District - Sitamarhi.
5. The Chairman, Nagar Panchayat Pupari, District - Sitamarhi.
6. The Executive Officer - Cum - Secretary, Nagar Panchayat Pupari, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ten Bahadur Singh, Sr. Adv. Mr. Rajeev Kumar Singh, Adv.
For the State	:	Smt. Binita Singh, SC 28

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 04-01-2023

1. Learned counsel for the State wants time.

2. Learned counsel for the petitioner submits that the petitioner was appointed and in 2017 there was no objection raised by any person relating to his appointment. His salary was not released and they approached the District Appellate Authority, who passed an order in their favor directing the respondent to release their salary. Thereafter, the salary was not released and the Director has passed an order on 09.09.2021, directing their employment units to take steps for removing the



petitioner from their service.

3. Learned counsel for the petitioner submits that the order has been passed without giving any opportunity of hearing to the petitioner. Moreover, the same has not been implemented till date and the petitioners are working.

4. In the counter affidavit, the respondents have not contested the fact that the petitioners have not been given any opportunity of hearing by the Director.

5. Taking into consideration the overall circumstances, this Court directs to release the petitioners salaries for the period during which they are working and if any action is required to be taken in terms of the order passed by the Director, the same can only be taken after giving them an opportunity of hearing and the petitioners would be always free to challenge such order before appropriate forum, if they are aggrieved of the same.

6. With the aforesaid observations, writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 58

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