

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13686 of 2022

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Bhartendu Kumar Upadhyay Son of Sri Sudama Upadhyay, Resident of
Village-Purna Chhapar, P.O. and P.S.-Bhatni, District-Deoria (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Gopalganj.
4. The Deputy Development Commissioner, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The District Programme Officer (Establishment), Gopalganj.
7. The Member Secretary, Block Teachers Employment Unit-cum-Block Development Officer, Panchdeori, P.O. and P.S.-Panchdeori, District-Gopalganj.
8. The Block Education Officer, Panchdeori, P.O. and P.S.-Panchdeori, District-Gopalganj.
9. The Block Panchayat Raj Officer, Kuchaikote, P.O. and P.S.-Kuchaikote, District-Gopalganj, the then Member Secretary, Block Teachers Employment Unit, Panchdeori, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 23-02-2023 1. The petitioner by way of this writ petition has
prayed as under :-

*“for quashing the order passed by the
District Programme Officer (Establishment),
Gopalganj in Memo No.2911 Gopalganj dated
10.08.2022 to Member Secretary, Block Teachers
Employment Unit-cum-Block Development Officer,
Panchdeori for cancellation of his
selection/appointment/candidature under counseling*



referring the certain irregularities in counseling and enquiry report without issuing show-cause and providing reasonable opportunity of hearing, which reveals that the entire exercise was violation of natural justice as on or before the adverse remark/order; whereas, 'Right of Hearing' is basic and elementary law as well as the further prayer relates with the direction for issuance of formal letter of appointment in terms of Memo No. 136 dated 15.02.2022 issued by the Additional Chief Secretary, Education Department, Govt. of Bihar and give the proper posting and for other necessary relief/reliefs on the basis of the facts and circumstances of the case enumerated stated and discussed hereinafter."

2. Admittedly, the petitioner is a **Block Teacher/ Panchayat Teacher** and would be amenable to jurisdiction under the District Appellate Authority. Keeping in view the law laid down by this Court in **C.W.J.C. No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar & Ors.)** and connected matters reported in **2022 (2) B.L.J. 381, 2022 (2) P.L.J.R. 80** and the Judgment dated 07.03.2022, passed in **C.W.J.C. No. 34 of 2022 (Minakshi @ Sushre Minakshi & Anr. Vrs. The State of Bihar & Ors.)**, the writ petition is dismissed with liberty to file appeal before the concerned District Appellate Authority.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.11

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