

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1412 of 2020

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Archana Kumari Wife of Sri Pawan Kumar Singh, Resident of Village-
Jagdishpur, P.O. and P.S.- Jagdishpur, District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar,
New Secretariat, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The District Education Officer, West Champaran at Bettiah.
4. The District Programme Officer (Establishment), West Champaran at
Bettiah.
5. The Block Development Officer-cum-Secretary, Block Employment
Committee, Nautan, P.O. and P.S.- Nautan, District- West Champaran at
Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh
For the Respondent/s	:	Mr.Subhash Chandra Mishra (Sc16)
		Mr.Madhukar Mishra (AC to SC 16)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 25-06-2024

Re:- I.A. No.1 of 2020

The present I.A. No.01/2020 has been filed on behalf of
the petitioner to add the additional reliefs as mentioned in
paragraph-1 of this application.

Having heard learned counsel for the parties, as the
present Interlocutory Application being formal in nature, is not
opposed, and hence is allowed.

The Registry is directed to add the additional prayer made
in paragraph 1 of the present petition to the prayer portion of the
main writ petition.



Accordingly, I.A. No.1/2020 is hereby stands disposed of.

Re:- C.W.J.C. No.1412 of 2020

Heard the parties.

2. The present writ application has been preferred for quashing the order passed and issued by the District Education Officer, West Champaran at Bettiah in Memo No.2900 Bettiah dated 26.10.2019 to Block Development Officer-cum-Secretary, Block Employment Committee, Nautan, West Champaran regarding cancellation of her engagement/appointment as Block Teacher in terms of the order passed by the State Appellate Authority, Patna in Complaint No.639 of 2018 on 02.08.2019 (Annexure-3 of the writ petition) and submission of the compliance report whereas no such order contained or direction issued by order dated 02.08.2019 as referred rather the same is wrong interpretation as well as an error of record and for the other necessary relief on the basis of the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that petitioner joined on the post of Panchayat Teacher in the year 2007 in Primary School, Jagdishpur, Block-Nautan, District-West Champaran at Bettiah.

4. He further submits that the petitioner had executed the



works continuously, sincerely and to the satisfaction of concern authorities and the authority had paid her wages/salary till August 2014 but consequently it was withheld unreasonably even after her continuous works against the respective post. The petitioner has not received some arrears of salary therefore, she filed an appeal before District Appellate Authority, West Champaran and the District Appellate Authority, West Champaran passed the order in favour of the petitioner but the Block Education Officer and others filed an appeal against the order of the District Appellate Authority before State Appellate Authority.

5. He further submits that the State Appellate Authority in its order, directed the concerned authorities to pay the arrears of salary of the petitioner and if the documents/certificates of the petitioner are found fake or fabricated, then the concerned authorities shall take action against the petitioner in accordance with law.

6. A counter affidavit is filed on behalf of the State in which he has stated that any degree of Tribhuwan University, Nepal has been declared 'not valid' for appointment of regular/Niyojit teachers. All niyosan units were directed to terminate such teachers who were appointed on the degree of Tribhuwan



University, Nepal and accordingly, the petitioner was terminated from service in year 2019.

7. Considering the arguments advanced on behalf of the respective parties and from the perusal of the records, it is an admitted fact that no notice was served upon the petitioner or no enquiry was conducted by the concerned authorities which is in violation of the principle of natural justice, as such, I set aside the order dated 28.12.2019, passed by the Block Development Officer-cum-Secretary, Nautan, District- West Champaran (Annexure-7 of the I.A. No.1 of 2020).

8. The concerned authorities are directed to reinstate the petitioner in service and the petitioner shall be entitled to get all the consequential benefits.

9. The State is at liberty to take legal steps in accordance with law.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.06.2024
Transmission Date	NA

