

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2859 of 2024

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Ravi Pandey S/o Late Gauri Shankar Pandey, R/o Village-Kavirajpur, P.O.-
Shukl Pipra, P.S.-Mohania, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Human Resources Development Department, Government of Bihar, Patna.
4. The Regional Director, Primary Education, Patna Division, Patna.
5. The District Magistrate, Kaimur at Bhabua.
6. The District Education Officer, Kaimur, Bhabua.
7. The District Programme Officer, Kaimur, Bhabua.
8. The Secretary, Block Niyojan Planning Committee cum Executive Officer Mohania, District-Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhash Pradhan, Advocate
For the Respondent/s : Mr. Government Pleader 17

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-10-2024 Writ petition has been filed for quashing the order as contained in Memo No. 374 dated 10.11.2023 passed by the Secretary, Block Niyojan Committee Cum Executive Officer, Panchayat Committee, Mohania (Respondent No. 8) whereby service of the petitioner has been terminated from the post of Teacher on the ground that petitioner is untrained.

2. Learned counsel for the petitioner submits that impugned order has been passed in violation of principles of natural justice. Petitioner was never given any opportunity of



hearing or any show cause. He submits that impugned order has been passed at the instance of Director Primary Education, Bihar, Patna (Respondent No. 3) *vide* Memo No. 12 dated 05.01.2023. It is further submitted that petitioner has been terminated from service on 10.11.2023 but the arrears of salary from February 2023 to November 2023 has not been paid to him as yet.

3. Learned counsel for the State does not dispute the contention made on the behalf of the petitioner.

4. This Court finds substance in the contention of learned counsel for the petitioner. Furthermore, in the light of decision of the Hon'ble Supreme Court in case of **Man Singh Vs. State of U.P.** reported in **2022 Live Law SC 341**, any teacher, or for that matter any employee, who is performing his duty, is entitled to receive salary for the period he is on duty.

5. Considering the aforesaid facts and circumstances and the fact that the impugned order contained in Memo No. 374 dated 10.11.2023 passed by the Secretary, Block Niyojan Committee Cum Executive Officer, Panchayat Committee, Mohania (Respondent No. 8) has been passed erroneously without giving any opportunity of hearing to the petitioner, the same is, hereby, set aside.



6. In view of the above discussion, concerned respondent authorities are directed to reinstate petitioner and take steps for releasing arrears of salary for the aforesaid period to the petitioner, in accordance with law, within a period of eight weeks from the date of receipt/production of a copy of this order.

7. Writ petition stands allowed in the aforesaid terms.

(Prabhat Kumar Singh, J)

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