

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2347 of 2024**

Shivji Chauhan @ Shiwjee Chauhan son of Sri Chhathu Chauhan, Resident of  
Village Harihara, P.O. Kamlakant Kararia, P.S. Phulwaria, District Gopalganj.  
... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. The Block Education Officer, Hathua, P.O.-Hathua, P.S.-Mirganj, District-Gopalganj.
6. The Panchayat Secretary, Gram Panchayat Raj Kusaundhi, Anchal--Hathua, P.S.-Mirganj, District-Gopalganj.
7. The Headmaster, Govt. Primary School, Khushiya Chhapar, Anchal--Hathua, P.S.-Mirganj, District-Gopalganj.

... .. Respondent/s

**Appearance :**

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|----------------------|---|--------------------------------------------|
| For the Petitioner/s | : | Mr.Bipin Bihari Singh<br>Shyama Kant Singh |
| For the Respondent/s | : | Mr.Standing Counsel 23                     |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 17-10-2024**

Heard learned counsel for the petitioner and learned  
State counsel.

2. The petitioner is aggrieved by order, contained in  
Letter No. 39 dated 23.02.2023, passed by the Panchayat  
Secretary-cum-Member Secretary, Panchayat Employment Unit,  
Gram Panchayat - Kusaundhi, Hathua, District - Gopalganj  
(Annexure 4 to the writ petition), whereby at the dictate of the  
District Programme Officer (Establishment), Gopalganj, vide letter  
no. 101 dated 11.01.2023, the services of the petitioner was  
dispensed with, with immediate effect.



3. Learned counsel for the petitioner submits that the impugned order has been passed in violation of principle of natural justice. At no point of time, petitioner was either heard or was issued any show cause notice and without hearing the petitioner, the service of the petitioner has been terminated.

4. On behalf of the respondent / State, stand was taken in the counter affidavit that pursuant to order passed by this Court in C.W.J.C. No. 15459 of 2014, the Vigilance Investigation Bureau instituted Vigilance Enquiry No. 08 of 2015 and during course of investigation, it was found that the petitioner was found untrained and on verification, the BETET mark-sheet of the petitioner was found fake/mismatch. Accordingly, the Police Inspector-cum-Assistant Investigator, Vigilance Investigation Bureau, Patna-cum-Incharge Teacher Enquiry, Gopalganj lodged an F.I.R., vide Mirganj P.S. Case No. 363 of 2022 on 04.01.2023, in which petitioner is also an accused.

5. On the direction of Police Inspector, Vigilance, the District Programme Officer, Gopalganj, vide Letter No. 101 dated 11.01.2023, directed the Panchayat Employment Unit, Kasaudhi to take steps against petitioner and upon direction of District Programme Officer, Gopalganj, the Panchayat Employment Unit,



vide Letter No. 39 dated 23.02.2023, termination the service of petitioner.

6. Heard learned counsel for the parties and perused the materials available on record. It is not in dispute that impugned order has been passed without hearing the petitioner. It is also not in dispute that any show cause was issued prior to order of termination. The order of termination was passed only on the direction of District Programme Officer (Establishment), Gopalganj.

7. It is settled law that where civil consequences are involved, opportunity of hearing has to be granted. In this case, impugned order also suffers from non-application of mind, as the order of termination has been passed at the instance of other authority without application of mind by issuing authority.

8. In the aforesaid facts and circumstances, the order impugned (Annexure – 4 to the writ petition) i.e. order, contained in Letter No. 39 dated 23.02.2023, passed by the Panchayat Secretary-cum-Member Secretary, Panchayat Employment Unit, Gram Panchayat - Kusaundhi, Hathua (Gopalganj) is, hereby, quashed and set aside. The concerned respondents are directed to pass fresh order after giving proper opportunity of hearing to the petitioner.



9. The writ petition is allowed with aforesaid observation.

**(Prabhat Kumar Singh, J)**

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| AFR/NAFR          | NAFR        |
| CAV DATE          | N/A         |
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