

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7288 of 2019

=====

Nooresha Khatoon D/o-Md Siddique R/o- Vill.-Nunnupatti, P.O.-Sukhpur,
P.S. and District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar Patna.
2. The Director, Primary Education, Govt. Of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The District Education Officer, Supaul.
5. The District Program Officer (Estt.), Supaul
6. The Block Education Officer, Block-Supaul, District-Supaul.
7. The Mukhiya, Gram Panchayat Raj-Bairo, Block-Supaul, Distt-Supaul.
8. The Panchayat Secretary, Gram Panchayat Bairo, Block-Supaul, Distt-Supaul.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh
For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 08-04-2024

Heard learned counsel for the parties.

2. The present writ application has been filed on behalf of the petitioner for the following reliefs:-

- (i) To quash the memo no.1161 dated 17.09.2018 issued by the District Education Officer, Supaul (Respondent No.4), so far it relates to the petitioner, by which direction has been issued to appointing authority of the petitioner to remove the petitioner from the post of Panchayat Urdu Teacher and further direction



has been issued to stop the salary as well as also to recover the Salary which has been paid to the petitioner (Annexure-1 of the writ application).

(ii) To quash the follow-up order contained in memo no.20 dated 21.11.2018 issued by the Panchayat Secretary, Gram Panchayat Bairo, Block-Supaul, Dist-Supaul (Respondent No.8), by which the petitioner has been removed from the post of Panchayat Urdu Teacher (Annexure-2).

(iii) To direct the respondents to re-instead the petitioner on her respective Panchayat Urdu Teacher post from where she has been removed.

(iv) To direct the Respondents not to disturb the petitioner from discharging her duty, also pay her salary month to month with all consequential as well as monetary benefits.

(v) And/or for any other any appropriate relief as per the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that petitioner was appointed on the basis of an advertisement published in the year 2006, Bihar Elementary Teacher Selection, thereafter, petitioner joined the school against EBC (f) Urdu candidates. On 02.12.06m petitioner submitted her joining in the school which was duly accepted.



4. Thereafter, the appointing authorities sent the list of appointed candidates to the B.E.O., Supaul. Name of the petitioner was at serial no.7 in the said list.

5. That one **PIL bearing C.W.J.C. No.15459 of 2014 (Ranjit Pandit Vs. The State of Bihar & Ors)** was filed regarding several illegal appointments held in the State of Bihar.

6. Pursuant to the report of the Vigilance Department, Supaul P.S. Case No.508/18 dated 30.08.2018 was instituted u/s 198, 420, 467, 468, 471, 477(A), 120 of IPC. In the said FIR, the petitioner is one of the name accused and her name appears at serial no.6 (Annexure-11 of the writ application).

7. That from the perusal of report of Vigilance, it appears that the allegation against the petitioner is that the marks of Maulvi of petitioner is 857 whereas in the merit list it has been shown as 872. The allegation against the petitioner is totally false and fabricated one and without any sum and substance.

8. From the perusal of marksheet of petitioner as contained in Annexure-4, it is apparent that she has 837 marks. From the perusal of Annexure-4A, it is apparent that the petitioner has specifically mentioned her marks as 837.

9. Pursuant to the report of the Vigilance, Annexure-1 was passed by the D.E.O., Supaul, directing the appointing authority



to remove the petitioner from the service after following the rules prescribed under Bihar Panchayat Teachers Employment and Service Conditions (Amendment) Rules, 2012, but without following the Rules, Annexure-12 was passed by the Panchayat Sachiv of the said Panchayat and terminated the service of the petitioner.

10. He submits that no show cause notice was given to the petitioner and without hearing ex-parte order was passed and this statement is also not denied by the learned counsel for the State.

11. Considering the foregoing discussions, I set aside the Annexure-1 and 2 of the writ application, with respect to the present petitioner only and authority concerned is directed to reinstate the service of the petitioner and she shall be entitled to all the consequential benefits.

12. The Respondent-Authorities are also given opportunity to initiate fresh departmental proceedings, if required.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2024
Transmission Date	NA

