

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7181 of 2021

Paramashila Devi W/o-Shri Osiyar Singh. R/o-Vill-Chaukhada, P.S.-Kudra,
District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Kaimur (Bhabua).
4. The District Programme Officer (Estt.) Kaimur (Bhabua),
5. The Block Development Officer, Block-Kudra, District-Kaimur (Bhabua).
6. The Block Education Officer, Kudra, District-Kaimur (Bhabua).
7. The Mukhiya, Gram Panchayat Raj Derwa, Block-Kudra, District-Kaimur (Bhabua).
8. The Panchayat Secretary, Gram Panchayat Raj Derwa, Block-Kudra, District-Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Adv.
For the Respondent/s : Mr.Madhaw Prasad Yadaw, GP 23

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for the
following relief/s:-

“(i) To quash the letter no-1223 dated 24.07.2019 passed by the District Programme Officer (estt.), Kaimur, Bhabhua, whereby and where under the petitioner has been dismissed from the post of Panchayat Teacher, Upgraded Middle School, Dhanari, Block-Kudra, District-Kaimur (Bhabhua) on the ground of forge



certificate.

(ii) To direct the respondents to pay arrears of salary to the petitioner since Sep, 2018 till date with statutory interest as well as current salary on month to month basis.

(iii) To direct the respondents to reinstate the petitioner on her respective post with all the consequential and monetary benefits.”

3. Earlier the petitioner was appointed on the post of Panchayat Teacher and later on by the order of the Division Bench of this Court, a Vigilance enquiry was conducted regarding appointment of Panchayat Teacher and in view of that enquiry, an F.I.R. was lodged against the petitioner and on that basis, she was removed from the post of Panchayat Teacher. It is submitted that no notice or show cause was issued to the petitioner regarding the enquiry conducted by the concerned Authority, which is violation of Articles-14, 16, 21 and 311(2) of the Constitution of India and also violation of Rule 15 (ख) of Bihar Panchayat Primary Teachers (Appointment & Service Condition) Rule, 2012, which has not been denied by learned counsel for the State.

4. Considering this fact that no notice/show-cause was issued to the petitioner before termination of her service, letter no.- 1223 dated 24.07.2019 as contained in Annexure-1 to this application is hereby set aside.



5. The respondent-Authorities are directed to re-employ the service of the petitioner from the date of her termination and pay all the consequential and monetary benefits.

6. However, the concerned Authority is at liberty to proceed in the matter and take action against the petitioner in accordance with law.

(Anjani Kumar Sharan, J)

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