

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4973 of 2020

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Amita Devi W/o Shri Lakshaman Paswan, R/o Vill.- Rampur, P.O.- Naugadh,
P.S. Amas, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Gaya.
4. The District Programme Officer, (Estt) Gaya.
5. The Block Education Officer, Amas, Gaya.
6. The Mukhiya, Gram Panchayat Raj Karamdih, Block- Amas, District- Gaya.
7. The Panchayat Secretary, Gram Panchayat Raj Karamdih, Block- Amas, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Adv. Mr.Prabhojot Singh, Adv.
For the Respondent/s	:	Ms.Namrata Singh, AC to G.A.12

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-07-2024 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-11 dated
17.08.17 issued by the joint signature of
Panchayat Secretary and Mukhiya, Gram
Panchayat Raj Karamdih, Block-Amas,
District-Gaya (Resp. No-6 & 7) whereby and
where under the petitioner has been removed
from the post of Panchayat Teacher of
Primary School Tilaiya, Gram Panchayat
Raj Karamdih, Block-Amas, District-Gaya.*



(ii) To direct the respondents to reinstate the petitioner on her respective post of Panchayat Teacher from where she has been removed with all the consequential and monitory benefits.

(iii) To direct the respondents not to disturb the petitioner from discharging her duty as also pay her current salary on month to month basis.”

3. Earlier the petitioner was appointed on the post of Primary Teacher and later on by the order of the Division Bench of this Court, a Vigilance enquiry was conducted regarding appointment of Primary 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.-11 dated 17.08.2017 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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