

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9847 of 2019

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Mumtaj Begum D/o Md. Tahir Hussain , W/o Md. Samiullah Ashrafi R/o Vill-
Nunnu Patti, P.O. Sukhpur P.S. Supaul, District- Supaul.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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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 (Annexure-7 of the writ application).



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.7 (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 D.O.B. on application form is 01.01.1988 and in the merit list it is 12.01.1985. This allegation against the petitioner is totally false and fabricated one and without any sum and substance.

8. In the certificate, application form as well as in merit list D.O.B. of the petitioner is 01.01.1988 which can be very well verified from Annexure-4, 4A, 5 & 6 to this writ application.

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 re-instate 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

