

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4874 of 2024

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Dhanji Sah Son of Bhuti Sah Resident of Village- Gorki, P.O.- Kaniyari, P.S.-
Dinara, District- Rohtas.

... .. 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, Rohtas.
4. The District Programme Officer (Establishment), Rohtas.
- 5 . The Block Education Officer, Kochas, P.O. and P.S.- Kochas, District-
Rohtas.
6. The Panchayat Secretary, Gram Panchayat Raj, Chitao, Anchal- Kochas,
P.S.- Dinara, District- Rohtas.
7. The Headmaster, Primary School, Delhua, Anchal- Kochas, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (16)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 10-12-2024

Heard learned counsel for the petitioner and
respondents.

2. This writ petition has been filed for setting aside
the order contained in letter No. 12 dated 28.07.2023 issued by
Member Secretary, Panchayat Employment Chitao , Block –
Kochas by which the service of petitioner has been terminated



on the basis of Vigilance enquiry and forged certificates.

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 Hon'ble Court in CWJC No. 15459 of 2014, (Ranjeet Pandit and Ors Vs State of Bihar and Ors) the Vigilance Department Bihar, immediately verified Genuineness certificate of teacher who had been appointed from 1.7.2006 on ward. It is further Stated that the Hon'ble court vide order dated 22.6.2015 directed the State, through the Education Department to publish notice to the effect that in case any teacher of Whatever Category, has appointment on the basis or fabricated Certificates, of secured fake Submits his resignation within fifteen days from the date of notice, it would be accepted and no proceeding would be initiated against him whether for prosecution or for recovery of the amount already paid. During course of investigation , it was found that petitioner obtained appointment on the basis of forged BETET- 2011 certificate . Therefore, the District



Programme Officer (Establishment) vide letter No. 2468 dated 24.12.2021 directed the petitioner to submit educational/training certificate . The petitioner had submitted all certificate vide letter No. 02 dated 11.01.2022. After receiving the BETET-2011 certificate , the authority verified the same with C.D. After verification it was found that the BETET certificate of petitioner is forged. Thereafter, the District Programme Officer (Establishment) Rohtas vide memo No. L-514 dated 15.07.2022 recommended the termination of petitioner to Panchayat Secretary Panchayat Employment unit, Kochas in view of Rule 14 and 15 (Chh) of Bihar Panchayat (Employment Rule- 2012 or and Primary Service Teacher Condition) amended Clause of 13 Rule- 2020. It is further submitted that the Panchayat Employment unit held its meeting on 28.07.2023 and after considering the entire facts the decision has been taken to terminate the petitioner on the ground that he obtained appointment on the basis of forged marksheet of BETET-2011 . The said decision was communicated vide memo No. 12 dated 28.07.2023 by the Panchayat Secretary, Gram Panchayat Chitao, Kochas (Annexure-P/3 the writ petition) .

5. 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 no show cause was issued prior to order of termination. The order of termination was passed only on the direction of District Programme Officer (Establishment), Rohtas.

6. 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.

7. Having regard to the aforesaid facts and circumstances of the case, order of termination of the petitioner vide letter No. 12 dated 28.07.2023 (Annexure-P/5) issued by Panchayat Secretary-cum- Secretary, Panchayat Teacher Recruitment Unit, Gram Panchayat- Chitao Anchal- Kochas is set aside. Petitioner is directed to be reinstated in service. Monetary benefits to the petitioner for the period that he had remained terminated shall abide by the inquiry which would be conducted by the respondents, if so advised, after due notice to the petitioner.

8 . It is also clarified that the inquiry, if any, shall be conducted in accordance with the prescribed procedure and law in that regard and thereafter a final decision shall be taken



expeditiously, after affording an opportunity of hearing to the petitioner.

9. The writ petition stands allowed.

(Prabhat Kumar Singh, J)

Koushik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2024
Transmission Date	NA

