

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4827 of 2024

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Rajeev Kumar Son of- Kailash Singh, Resident of Village- Sabdala, P.O.-
Amiyawar, P.S.- Nasriganj, 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, Nokha, P.O. and P.S.- Nokha, District- Rohtas.
6. The Panchayat Secretary, Gram Panchayat Raj, Sotwan, Anchal- Nokha,
District- Rohtas.
7. The Headmaster, Primary School, Chaudhary Tola, Bhawarh, Block- Nokha,
District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
		Mr. Shyama Kant Singh, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-11-2024 Heard learned counsel for the petitioner and
respondents.

2. This writ petition has been filed for setting aside the
order contained in letter No. 23 dated 04.05.2022 issued by
Member Secretary, Panchayat Employment Committee-cum-
Panchayat Secretary, Gram Panchayat Raj, Sotwan, Anchal-
Nokha, District-Rohtas, 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, the Vigilance Investigation Bureau instituted vigilance Enquiry No. 08 of 2015. During course of investigation, it was found that the petitioner was appointed as untrained on the basis of intermediate marksheet. The vigilance sent the matric and intermediate marksheets of petitioner to Bihar School Examination Board, Patna for verification. After verification, the examination Board sent verification report *vide* letter no. BSEB/VVC/789/21 dated 01.09.2021 (Matriculation) and letter no. BSEB/VVC/840/21 dated 01.10.2021 (Intermediate) stating therein that marksheets of the petitioner are found forged. Accordingly Police Inspector- cum-Assistant Investigator, Vigilance Investigation Bureau, Patna-Cum-Incharge Teacher Enquiry, Rohtas lodged the F.I.R. *vide* Nokha P.S. Case No. 84 of 2022 under section 420, 467, 468, 471, 120 (B) of I.P.C. The



Vigilance Inspector informed the District Programme Officer (Establishment) Rohtas vide letter no. 19 dated 01.04.2022. After receiving the information from the Police Inspector, Vigilance, the District Programme Officer (Establishment) Rohtas vide letter No. L-1326 directed the Panchayat Employment Unit, Sotawa, Nokha to take steps against the petitioner in accordance with the rule prescribed under Bihar under Panchayat Teacher Employment Rule-2012. The Panchayat Secretary Gram Sotwa, vide letter No. 23 dated 04.5.2022 issued termination letter after a dropping procedure and communicated the same to all concerned authorities (Annexure-P/5 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 any 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. 23 dated 04.05.2022 (Annexure-P/5) issued by Panchayat Secretary-cum- Secretary, Panchayat Teacher Recruitment Unit, Gram Panchayat- Sotwa, Block-Nokha. 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)

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