

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6158 of 2023

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Sharda Devi Wife of Sri Sanjay Paswan, Resident of Virua Chak, Mehndiganj, P.O. and P.S.- Guljarbagh, Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Programme Officer (Establishment), Patna-cum-Enquiry Officer.
5. The District Education Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh
For the State	:	Mr.Prabhakar Jha (Gp 27)
		Mr.Hari Mohan Mishra, A.C. to G.P.-27

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-03-2024

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ application has been filed for quashing the order passed by Regional Deputy Director of Education (R.D.D.E.), Patna Division, Patna in response to the decision rendered by the establishment committee dismissing her from the service with effect from the date of issuance of the said order by terminating the departmental proceeding



and communicated to all concern vide Memo No.816 Patna dated 12.07.2021 without considering the facts, law and even without providing reasonable opportunity of hearing whereas the fundamental principle of natural justice is that no action can be taken against a person no order can be passed against the adverse interest without providing full opportunity of hearing as the same is minimum requirement/basic requirement and alone on the reasons the order is impugned is not sustainable in the eye of law and is fit to be set aside and for other necessary relief/reliefs on the basis of facts and law as enumerated, stated and discussed hereinafter.

3. Learned counsel for the petitioner submits that the petitioner's case is squarely covered by the order passed by this Court in C.W.J.C. No.224 of 2024 and analogous cases (which was allowed in view of L.P.A. No.1219 of 2023).

4. Considering the aforesaid facts, since the case of the petitioner stand on similar footing to that of the petitioners of C.W.J.C. No.224 of 2024 and analogous cases , there is no requirement to keep pending the present writ application.

5. Accordingly, the present writ petition is allowed, in view of the order dated 27.02.2024 passed in L.P.A. No.1219



of 2023, after setting aside the impugned order dated 12.07.2021 (Annexure- 8) passed by the Regional Deputy Director of Education (R.D.D.E.), Patna Division, Patna.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.03.2024
Transmission Date	N.A.

