

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8156 of 2023

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1. Md. Mosharraf Ansari Son of Md. Aslam Ansari, resident of Village - Simri, P.O - Mangra, P.S. - Dumariya, District - Gaya.
 2. Beaty Kumari, Daughter of Paradeep Prasad, resident of Village - Narayanpur P.O. - Mangra, District - Gaya.
 3. Soni Kumari, Daughter of Vijay Prasad, resident of Village- Narayanpur, P.O. - Mangra, District - Gaya.
 4. Chanchala Kumari Daughter of Sri Siyawar Prasad, resident of Village - Londa, P.O. - Pipra, P.S.- Dumariya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The District Education Officer, Gaya.
6. The District Programme Officer (Establishment), Gaya.
7. The Block Education Officer, Dumariya, Gaya.
8. The Secretary of Gram Panchayat cum Secretary Primary Teacher Niyojan Samiti, Kolhubar Gram Panchayat, Bhokha, Gaya.
9. The Secretary of Gram Panchayat cum Secretary Panchayat Primary Teacher Niyojan Samiti, Bhangiya, Dumariya, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the order passed in



L.P.A. No.501 of 2017 dated 14.11.2017.

3. The petitioners were appointed as Teacher in the year 2013-14 based on the certificate issued to them for having passed the T.E.T. and are working for about five years. By the memo no.10 dated 02.07.2022, memo no.13 and 12 dated 25.08.2022 (annexure-3 and 4 series), their services have been terminated by indicating that they have submitted forged eligibility certificate for seeking appointment. By memo O.A. No.854/2022 dated 20.12.2022, the Appeal filed by the petitioners before the State Appellate Authority has been rejected on the ground of illegal appointment. However, it is an admitted position that they are working for 4-5 years but on the ground that they have submitted forged TET certificate, their services were terminated without issuing a notice to them and without granting them any opportunity of defence or without following the principles of natural justice. A co-ordinate Bench of this Court in the case of Chief Post Master General vs. Nirbhay Kumar, 2008 (3) P.L.J.R. 344 has laid down the principle that when penal action is taken and services of an employee is terminated, which has an adverse consequence on the delinquent employee, at least an opportunity of hearing should be granted to them.



4. Considering the aforesaid facts and that the petitioners' case is squarely covered by the order passed in L.P.A No.501 of 2017 and in view of the aforesaid discussion, I hereby allow the writ application and quash the orders contained in memo no.10 dated 02.07.2022, memo no.12 and 13 dated 25.08.2022 and order passed in O.A. No.854/2022 dated 20.12.2022 and grant liberty to the respondents to proceed in accordance with law. The respondents should reinstate the petitioners and thereafter proceed in the matter in accordance with law. For the intervening period, no salary will be paid to the petitioners. So far the petitioners are concerned, it would be dependent upon the final outcome of the enquiry conducted by the respondents and the action that they propose to take after such enquiry.
5. Accordingly this writ application is disposed of.

(Anjani Kumar Sharan, J)

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