

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9517 of 2024

Arvind Kumar Shahi Son of Late Sachchidanand Prasad Singh, Resident of
Village- Neemghat, P.S.- Khajekalan, P.O.- Jhauganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Department of Education, New Secretariat, Govt. of Bihar, Patna.
3. The District Education Officer, Patna.
4. The District Programme Officer (Establishment), Patna.
5. The Patna Municipal Corporation through its Municipal Commissioner, Patna.
6. The Nagar Sachiv-cum-Authorized Officer, Patna Municipal Corporation, Patna.
7. The Sub-Inspector of School, Malsalami, P.O. and P.S.- Malsalami, Patna City, District- Patna.
8. The In-Charge Headmaster, George Middle School, Patna City, Patna.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Bipin Bihari Singh, Advocate
		Mr. Shyama Kant Singh, Advocate
For the State	:	Mr. Bipin Kumar, AC to AG
For the P.M.C.	:	Mr. Sanjay Prakash Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-12-2024 Heard learned counsels for the parties.

2. This writ application has been filed for setting aside the order contained in Letter No. 17669 dated 17.12.2022 issued by the Municipal Commissioner, Patna Municipal Corporation (Respondent No. 5) whereby services of the petitioner from the post of teacher has been terminated.

3. Learned counsel appearing on behalf of the



petitioner submits that the impugned order has been passed in complete violation of principle of natural justice as neither any show cause was issued to the petitioner nor he was heard before passing of the order impugned. He further submits that the impugned order has been passed at the dictates of superior authority which is nullity. In this connection, learned counsel for the petitioner has placed heavy reliance on judgment of the Hon'ble Apex Court passed in the case of ***Purtabpore Co. Ltd. Versus Cane Commissioner of Bihar and Others*** reported in ***AIR 1970 SC 1896***.

4. Learned counsels appearing on behalf of the respondents are not in a position to dispute the contentions raised on behalf of the petitioner.

5. Having heard the rival submissions, in view of the facts and circumstances of the case and in view of the law laid down by the Hon'ble Apex Court in the case of ***Purtabpore Co. Ltd. (supra)***, this Court finds that the impugned order as contained in Letter No. 17669 dated 17.12.2022 is in complete violation of principle of natural justice.

6. Accordingly, the impugned order as contained in Letter No. 17669 dated 17.12.2022 (Annexure-P/8 to the instant writ application) issued by the Municipal Commissioner, Patna



Municipal Corporation (Respondent No. 5) is hereby quashed and set aside.

7. However, quashing of the impugned order will not come in the way of the respondents to take decision independently, in compliance of principles of natural justice and fair play. Consequential benefits of quashing the impugned order as contained in Letter No. 17669 dated 17.12.2022 would depend upon fresh decision of the respondents, in accordance with law.

8. With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

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