

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9827 of 2012

VINOD KUMAR SINGH S/O Nageshwar Singh R/O Vill-Aghara, P.S.-
Nabinagar, Distt-Aurangabad, Presently Working On The Post Of Technical
Supervisor , Bihar Siksha Pariyojna , Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources
Development Department, Government Of Bihar, Patna
2. The Director, Bihar Siksha Pariyojna Government Of Bihar, Patna
3. The District Magistrate Aurangabad
4. The District Education Officer, Aurangabad
5. The District Superintendent Of Education-Cum-District Programme Co-
Ordinator , Bihar Siksha Pariyojna, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate
For the Respondent/s : Mr. Jay Prakash Sharma, AC to GP-21

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 06-02-2024 Heard Mr. Kamleshwar Pd. Singh, learned counsel for

the petitioner and Mr. Jay Prakash Sharma, learned counsel
appearing on behalf of the State.

2. The present writ petition has been filed for quashing
the order dated 03.09.2011 issued by the respondent no.4 by which
the services of the petitioner was terminated without following the
procedure of law as well as violation of the principle of nature
justice.

3. Learned counsel for the petitioner submits that the
petitioner has joined on the post of Technical Supervisor in the
year, 2004 and since then the petitioner is working. In the year
2010, an F.I.R. was instituted against the petitioner and other
persons bearing Aurangabad Town P.S. Case No.241 of 2010
under Sections 420, 467, 468, 353 and 120(B) of the Indian Penal



Code. The allegation of the F.I.R. was that the petitioner has interpolated in the cheque amount. In place of Rs.44,778/- he made interpolation of Rs. 1,44,778/-. After knowledge of the said occurrence a meeting of the executive committee of the Sarv Shiksha Abhiyan, Aurangabad was held on 18.12.2010 under the chairmanship of the respondent nos.3 and it has taken decision to take action against this petitioner and also to file an F.I.R. and the services of the petitioner was also terminated. Before the termination of the service, a show cause notice was issued to the petitioner and direction to file explanation with regard to the withdrawal of excess Government money after making forgery in the cheque amount. Petitioner after receiving the show cause dated 25.01.2011, has filed his reply before the respondent no.5 and he has accepted his guilt that although he has received the cheque of Rs. 44,778/- and he has accepted that he has interpolated in the cheque amount but he has returned excess amount of Rs.1,00,000/- to the authorities concerned.

4. Learned counsel for the petitioner further relies upon the judgments of the Hon'ble Supreme Court in the case of *Gridco Limited & Anr. vs. Sadananda Doloi & Ors* passed in Civil Appeal No. 11303 of 2011 (arising out of SLP (C) No. 10164 of 2008) and in the case of *Tinku K & Anr. vs. Union of India & Ors.* passed in the case of WP(C) No. 26934 of 2022 which suggests that the



petitioner cannot be removed from the post in question without following the principle of natural justice.

5. Learned counsel for the State on the other hand submits that the petitioner has not the regular employee and he is engaged as a Technical Supervisor under the scheme of the Bihar Education Project and the authority concerned after giving show cause notice to the petitioner and after reply to the show cause notice to the petitioner found that the petitioner has accepted that he has interpolated in the cheque amount apart from aforesaid the petitioner has also returned the excess amount of Rs.1,00,000/-

6. Considering the facts and circumstances of the case and the fact that the respondent has issued show cause notice to the petitioner and after considering the reply to the show cause, the present impugned order was passed which suggest that Principles of Natural Justice have been followed, there is no merit in the writ petition. Accordingly, the writ petition is dismissed.

(Rajesh Kumar Verma, J)

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