

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10991 of 2023

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Suresh Kumar Mishra Son of late Rajendra Nath Mishra, Resident of Village-
Panduka, Paruka, P.S.- Chutiya, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, New Secretariat, Patna.
2. Director Primary Education, Education Department, New Secretariat, Patna.
3. District Magistrate, Rohtas.
4. District Programme (Establishment) Officer, Education Department, Rohtas.
5. Panchayat Secretary, Gram Panchayat Tilokhar, Block- Nauhatta, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar, (Gp20)
		Mr. Mrigendra Kumar, AC to GP- 20

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 26-07-2024

Heard Mr. Pratap Sharma, learned counsel for the petitioner, and Mr. Mrigendra Kumar, learned counsel for the State.

2. The petitioner, who was appointed as Panchayat teacher on 29.12.2010, has filed this writ petition challenging the order dated 13.07.2023 (Annexure-5), issued by the Panchayat Secretary, Gram Panchayat, Tilohar, Block- Nauhatta, Rohtas cum Teacher Employment Unit, Gram Panchayat Tilohar vide Memorandum no. 54, whereby, the petitioner has been removed from service with effect from 13.07.2023.



3. It is the specific case of the petitioner, as can be gathered from paragraph no. 8 of the writ petition, that the impugned order dated 13.07.2023, removing the petitioner from service, has been issued by respondent no. 5- Panchayat Secretary, Gram Panchayat, Tilokhar, Rohtas without any show cause notice issued to the petitioner.

4. The respondent no. 5 - Panchayat Secretary, Gram Panchayat, Tilokhar, Rohtas has contested the case by filing a counter affidavit.

5. In the counter affidavit filed, though it has been stated that there were only four vacancies available under the unreserved category and the petitioner's position in the merit list was at serial no. 7, and, therefore, the petitioner was wrongly appointed as Panchayat Teacher, no answer has been given by the respondent no. 5 to the specific contention raised by the petitioner that he has been terminated from service by the impugned order dated 13.07.2023 without providing him an opportunity of hearing.

6. Under the circumstances, since there is no denial by the respondent no. 5 that the impugned order dated 13.07.2023, removing the petitioner from Panchayat Teacher has been issued without providing the petitioner an opportunity of hearing, I am,



therefore, of the considered view that this writ petition deserves to be allowed.

7. Accordingly, the impugned order dated 13.07.2020, issued by the respondent no. 5- Panchayat Secretary, Gram Panchayat, Tilokhar, Rohtas vide Memorandum no. 54 is hereby, set aside and quashed.

8. The respondents, however, shall be at liberty to proceed against the petitioner, in accordance with law, if so advised.

9. The writ application is allowed.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2024
Transmission Date	NA

