

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17694 of 2024

=====

Lalbabu Manjhi Son of Late Guru Sharan Manjhi Resident of Village
Lahladpur, P.S.- Manjhagarh, District -Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through Addl. Chief Secretary, Department of Education,
Govt. of Bihar, New Secretariat, Patna.
2. Director, Primary Education, Government of Bihar, Patna.
3. Regional Dyputy Director, Education, Saran at Chapra
4. District Education Officer, Gopalganj.
5. District Programme Officer (Estb.) cum Nodal Officer Vigilance Cell,
Gopalganj.
6. Block Education Officer cum Secretary Block Employment Unit, Barauli,
Dist- Gopalganj

... .. Respondents

=====

Appearance :

For the Petitioner : Mr.Prabhakar Singh, Advocate
For the Respondent/s : Mr.Government Advocate11

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2024 Writ petition has been filed for quashing order dated

30-07-2022 issued vide Memo No 1851 By Respondent No 6

terminating the services of the petitioner as Block teacher

merely on the basis of a Memo issued by the Respondent No 5

that too on the basis of recommendation of informant of the

criminal case bearing Barauli P.S. Case No 55 of 2022, lodged

for offences under Sections 420, 467, 468,471, 120 (B) of the

Indian Penal Code, without following the procedure of law,

without any show cause.

2. Petitioner was appointed as Block teacher in 2011

by respondent no.6 after selection and verification of the



certificates as directed by the RDD, Saran. However, on the direction of the superior officers of the Department, he was dismissed from service vide Office order dated 30.7.2022.

3. Learned counsel for the petitioner submits that without following the due procedure mentioned in Clause-15(ख) of Bihar Panchayat Primary Teacher (Employment and Service Condition) Regulation, 2012, aforesaid order dated 30.7.2022 was passed without issuing any show cause to the petitioner. Learned counsel submits that in several similar cases, different co-ordinate Benches of this Court vide order dated 09.09.2019 passed in CWJC No. 4601 of 2018 (Ranjan Kumar Gupta v. The State of Bihar and Ors. and other analogous cases) as well as order dated 4.3.2021, passed in C.W.J.C.No. 8920 of 2020 (Mosahib Ali @ Masahib Ali Vs. State of Bihar and others) have considered the issue involved in the present case and have set aside the order of termination. Such order was also upheld in the **LPA No. 501 of 2017/Ajit Kumar v. The State of Bihar and Ors.**

4. Learned counsel for the State does not controvert this factual position of the case.

5. Having regard to the aforesaid facts and circumstances of the case, order of termination of the



petitioner dated 30.7.2022 (annexure P 1 to the writ petition) is set aside. Petitioner is directed to be reinstated in service. Monetary benefits to the petitioner for the period that he had remained terminated shall abide by the inquiry which would be conducted by the respondents, if so advised, after due notice to the petitioner.

6. It is also clarified that the inquiry, if any, shall be conducted in accordance with the prescribed procedure and law in that regard and thereafter a final decision shall be taken expeditiously, after affording an opportunity of hearing to the petitioner.

7. The writ petition stands allowed.

(Prabhat Kumar Singh, J)

shashi/-

U			
---	--	--	--

