

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1809 of 2024

Radha Kumari Wife of Manoj Kumar Gupta, Resident of Village-Karn Kudariya, P.S.-Mashrakh, District-Saran at Chapra, presently posted as Assistant Teacher, Primary School, Mohammadpur, P.S.-Baikunthpur, District-Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through its the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
5. The District Magistrate, Gopalganj.
6. The District Education Officer, Gopalganj.
7. The District Programme Officer (Establishment), Gopalganj.
8. The Block Education Officer, Baikunthpur, Gopalganj.
9. The Headmaster, Primary School, Primary School Mohammadpur, P.S.- Baikunthpur, District-Gopalganj.
10. The Panchayat Secretary, Gram Panchayat Raj, Pyarepur, Baikunthpur, Gopalganj.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Bindhyachal Singh, Senior Advocate Mr. Ram Binod Singh, Advocate
For the Respondents	:	Mr. Kinkar Kumar, Standing Counsel 9

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 17-10-2024

Writ petition has been filed for quashing Memo no. 01 (५०) dated 26.07.2023 (annexure 11 to the writ petition) issued by the Panchayat Teacher Selection Unit, Gram Panchayat Raj, Pyarepur, Block- Baikunthpur, District- Gopalganj, whereby without any show cause notice, service of the petitioner as Panchayat Teacher has been terminated from service. Petitioner has also prayed for necessary direction upon the respondent authorities to reinstate the petitioner with full back wages and all consequential benefits.



2. Petitioner had appeared in the TET Examination, 2011 which was conducted by the Bihar School Examination Board and passed the same for which she was issued a certificate by the BSEB showing that he has obtained 114 marks in the said examination. Thereafter, petitioner applied for appointment as Panchayat Teacher in the Gram Panchayat Raj, Pyarepur, Gopalganj in prescribed performa. After completing process of selection, petitioner was issued appointment letter no. 3 dated 15.4.2015 under the signature of Panchayat Secretary, Pyarepur, Gopalganj. Therefore, petitioner submitted her joining in Primary School, Mohammadpur, Gopalganj on 15.5.2015. The District Programme Officer (Establishment), Gopalganj and other state authorities issued provisional pay fixation slip vide annexure 5. Petitioner started discharging her duties in right earnest. However, pursuant to order of this Court passed in C.W.J.C.No. 15459/2014, Vigilance Enquiry No.8/2015 was conducted and during the course of investigation of the case, it came to light that some of the appointees had forged their TET certificate. Services of the petitioner thereafter was terminated vide order dated 26.7.2023 contained in annexure 11 to the writ petition.

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 26.7.2023 (annexure 11) 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 26.7.2023 (annexure 11) is set aside. Petitioner is directed to be reinstated in service. Monetary benefits to the petitioner for the period that she 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

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2024
Transmission Date	19.10.2024

