

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1958 of 2020

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Mantu Kumari W/o Sri Amol Kumar Jha, Resident of Vill-Chainpur, P.S.-
Bangaon, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, Pin-800001.
2. The Regional Deputy Director of Education, Saharsa, Pin-852201.
3. The District Magistrate-cum-Chairman, District Establish Committee, Saharsa, Pin-852201.
4. The District Superintendent Education Officer, Saharsa, Pin-852201.
5. The District Education Officer, Saharsa, Pin-852201.
6. The District Programme Officer (Establishment), Saharsa, Pin-852201.
7. The Block Education Officer, Saharsa, Pin-852201.
8. The Head Master, Primary School, Harijan Colony, Bariahi, P.S.-Barigaon, District-Saharsa, Pin-852212.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhav Roy
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 25-06-2024

Re:- I.A. No.01 of 2022 and I.A. No.02 of 2024

The present I.A. No.01/2022 and I.A. No.02 of 2024 has been filed on behalf of the petitioner to add the additional reliefs as mentioned in paragraph-1 of this application.

Having heard learned counsel for the parties, as the present Interlocutory Application being formal in nature, is not opposed, and hence is allowed.

The Registry is directed to add the additional prayer made



in paragraph 1 of the present petition to the prayer portion of the main writ petition.

Accordingly, I.A. No.01/2022 and I.A. No.02 of 2024 is hereby stands disposed of.

Re:- C.W.J.C. No.1958 of 2020

Heard the parties.

2. The present writ application has been filed on behalf of the petitioner for issuance of writ, order and direction for setting aside the order dated 17.09.2019 along with 27.09.2019 (Annexure-21) passed by the respondent no.5 i.e. The District Education Officer by which the petitioner has been terminated from her service, and further direction to the respondents concerned to allow the petitioner to function as assistant teacher at Primary School Harizan Colony, Saharsa after reinstating her in service and grant ensuing consequential benefits including previous dues.

3. The short fact of the case is that the petitioner was appointed as Assistant Teacher in the school in the year 1987. The petitioner went on medical leave from 02.03.2007 to 31.05.2010. On being cured from her illness and fit, she joined the school on 01.06.2010 and her joining report was duly received by the school on 01.06.2010 in accordance with law.



4. After joining in the school on 01.06.2010, her payment of dues and current salary was delayed then she made an application on 16.07.2010 to the respondent no.4 (The District Superintendent Education Officer) relating to the determination of her leaves and to regularize the leave period and to make the payment of salary after allowing joining the school i.e. from 01.06.2010.

5. On 06.08.2010, the petitioner reached the school late and for that an explanation was asked from the petitioner under the letter dated 22/12/2010, she submitted the explanation to the authority concerned on 17.02.2011 explaining that due to road blockage, she could not come to school on time but in future such delay will not occur.

6. That when the authority of the school delayed in determining the leave period of the petitioner and in making the payment of dues and current salary then the petitioner filed a writ application for the redressal of the aforesaid grievances before this Court in CWJC No.12175 of 2011, which was disposed of after hearing by this Court under which the petitioner was to make representation for the redressal of her grievances. On the basis of the order of this Court, petitioner filed a representation before the concerned authority.



7. The respondent no.5, issued office order vide memo no.1312, dated 23.06.2014 stating therein that the joining of the petitioner dated 02.03.2007 is rejected and the claim of the petitioner relating to the payment of salary is not being accepted and denied. Thereafter, petitioner filed CWJC No.5177 of 2015 and after hearing the parties, the same was dismissed on 01.07.2015 by this Court.

8. Thereafter, petitioner filed Letter Patent Appeal vide L.P.A. No.2238/2015 and during its pendency the respondent no.6 sent communication to the Regional Deputy Director of Koshi Division, Saharsa on 22.12.2016 for regularizing her service of the period she remained absent on account of being under medical treatment and also against her transfer on wrong notion of fact and stoppage of salary etc.

9. On the basis of above letter dated 22.12.2016, the Deputy Director directed the respondent no.4 by his memo no.66, dated 19.01.2017 to make payment to the petitioner of the salary of working period at Prathmik Vidyalaya, Harijan Colony, Bariahi and regularize her service and further directed that the medical leave claimed be considered and disposed of in accordance with the rules and upon the basis of the same, respondent no.4 issued a letter no.484 – 5, dated 06.03.2017 regularizing the service of



the petitioner by posting at Shashi Kala Madhya Vidyalaya, Chainpur, Saharsa on the post of matric trained teacher and directed for making payment of her salary and accordingly the petitioner joined and her other reliefs was pending for consideration before the concerned authority.

10. The L.P.A. No.2238/2015 was withdrawn on 24.03.2017 as the monetary claims of the petitioner was allowed by the District Education Officer, Saharsa but even after filing several representations to the respondent authorities, they did not took any action in favour of the petitioner.

11. Thereafter, the petitioner filed an application under Bihar Right to Public Grievance Redressal to the District Grievance Redressal Officer, Saharsa and ultimately finally allowed her application on 02.03.2019 and directed for erring officer. The petitioner again filed a representation on 12.03.2019 to the respondent concerned with order dated 02.03.2019 (Annexure-19 of the writ application).

12. That the respondent no.5, due to order dated 02.03.2019 terminated the petitioner from service vide order dated 19.09.2019 using the same ground as in Annexure-13.

13. Learned counsel for the petitioner submits that there is a violation of principle of natural justice as no notice was served



upon the petitioner neither any enquiry was conducted.

14. Learned counsel for the State filed a counter-affidavit and he has not stated in the said counter affidavit that whether any notice was issued upon the petitioner or any enquiry was conducted by the concerned authorities.

15. Considering the arguments advanced on behalf of the respective parties and from the perusal of the records, it is an admitted fact that no notice was served upon the petitioner or no enquiry was conducted by the concerned authorities which is in violation of the principle of natural justice, as such, I set aside the order of the termination of petitioner (Annexure-13 of the writ application) and in the result this writ application is allowed.

16. The authorities concerned are directed to pay all the consequential benefits to the petitioner to which she is found entitled for.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2024
Transmission Date	NA

