

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2532 of 2025

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Deepali Sinha Daughter of Surendra Kumar Sinha, Resident of Mohalla-Hajam Toli, Salimpur Ahra (Behind I.M.A. Hall), Police Station- Gandhi Maidan, District and Town- Patna, Pin-800003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar at Patna.
2. The District Magistrate, Gopalganj.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. Conducting Officer-cum-District Programme Officer, Prime Minister Poshan Shakti Nirman Yojna (Mid-Day-Meal), Gopalganj.
6. Block Education Officer, Kuchaikote, District- Gopalganj.
7. Head Master, High School Sonahula, Kuchaikote, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate.

For the State : Mr. Prashant Pratap, GP-2.

For MDM : Mr. Girijish Kumar, Advocate.

Mr. Akash Anand, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2025 Heard Mr. Raj Kumar, learned counsel appearing on behalf of the petitioner; Mr. Prashant Pratap, learned GP-2 for the State and Mr. Girijish Kumar, learned counsel along with Mr. Akash Anand, learned counsel for the Mid Day Meal.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, following relief(s), which is



reproduced hereinafter:-

“That this is an application for issuance of an appropriate writ, or order or directions for setting aside the office order dated 28.12.2024 passed by the District Programme Officer (Establishment), Gopalganj (Respondent No.4) issued under Memo No. 4153 dated 28.12.2024 by which the service of the petitioner has been dismissed with immediate effect on the ground that she is not holding required qualification for Computer Science Class 11-12 and further to pass any other order / orders to which the petitioner found entitled.”

3. The brief facts of the case are that an advertisement dated 30.05.2023 was issued for appointment of School teacher under Education Department, the petitioner being eligible applied for the same on 14.07.2023. The examination was conducted and counseling letters were issued by the District Education Officer on 25.10.2023 and provisional appointment letter was issued on 02.11.2023 and consequently, on 14.11.2023 joining letter was issued and the petitioner joined the services. Prapatra- k was served to the petitioner by the District Programme officer, Gopalganj and the petitioner submitted his reply and without considering the same a second show cause was issued to the petitioner on 12.11.2024 and the petitioner submitted his explanation on 18.11.2023. The District Programme officer, Gopalganj, passed an order dated 28.12.2024 dismissing the service of the petitioner. Hence this writ petition.



4. The petitioner is aggrieved by the action of the District Programme Officer (Establishment), Gopalganj contained in Memo No. 4153 dated 28.12.2024 by which the service of the petitioner has been dismissed for not holding required qualification for Computer Science Class 11-12.

5. The writ petition is silent about the date of verification of documents whether during the said verification, the candidates were required to appear before the District Programme Officer (Establishment) rather it appears that the petitioner was served with a charge memo contained in Memo No. 2148 dated 19.07.2024 which is against the terms of the appointment contained in Clause '6' of the appointment letter which provides that the petitioner's appointment will be confirmed only after verification of the required testimonials. The District Programme Officer (Establishment) was required to act as per the terms and conditions whereas he has directly resorted to initiate disciplinary action against the petitioner.

6. Law in this regard is well settled as in the case of **Civil Appeal No. of 2024 [Arising out of SLP (C) No.5580 of 2024] (Jaggo Vs. UOI and Ors.)** wherein in para no.14, the Hon'ble Supreme Court contended that abrupt termination without prior notice of extension is in violation of fundamental



principal of natural justice, even in case of contractual employees or the guest teachers.

7. In case of alleged forgery to have been committed by the petitioner, he could have resorted to take action against the petitioner after giving him due opportunity of hearing. Any stigmatic remark or holding of disciplinary action can only be held to be against the Rule of Law, particularly in view of Clause 6 of the condition contained in the appointment letter which simply requires in such cases only termination of contract.

8. It appears that the District Programme Officer (Establishment) upon holding disciplinary proceeding against the petitioner found that all the charges were established and terminated him from service, is required to be interfered by this Court.

9. The order dated 28.12.2024 contained in Memo No. 4153 is hereby set aside and quashed.

10. The Additional Chief Secretary, Education Department, Bihar must call all the particulars relating to the petitioner and see whether the petitioner has furnished required documents or any of the documents furnished by the petitioner requires investigation, so far as, genuinity is concerned or direct



to take action as per Clause 6.

11. The writ petition stands disposed of.

(Purnendu Singh, J)

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