

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8272 of 2018

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Saista Aperween Wife of Md. Arif Azad, Resident of Village- Turki Khararu
Dank Bangala, Post- Turki Khararu, P.S. Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Department of Secondary Education, Government of Bihar,
Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer, Muzaffarpur.
6. The Block Education Officer, Minapur, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Priyank Samdarshi
For the Respondent/s : AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-01-2025 1. Heard learned counsel for the petitioner and
learned AC to AAG-15.

2. The learned counsel for the petitioner submits
that persons similarly situated like the petitioner had moved
this Court by filing CWJC No. 10931 of 2018 and CWJC No.
10931 of 2018 was allowed by an order dated 02.07.2019 on
the ground that no order visiting evil or civil consequences
can be passed without compliance of principles of natural
justice, as such, the order contained in Memo No. 42 dated
25.01.2018 by which petitioner of CWJC No. 10931 of 2018



(Md. Shamsuddin Vs. The State of Bihar & Ors.) was terminated, was set aside.

3. The learned counsel for the petitioner submits that by the same order contained in Memo No. 42 dated 25.01.2018, the petitioner has also been terminated. The learned counsel fairly submits that no doubt prior to issuance of order contained in Memo No. 42 dated 25.01.2018, the petitioner was issued show cause contained in Letter No. 498 dated 04.08.2017 issued by the District Programme Officer, Muzaffarpur and the petitioner replied the said show cause by her reply dated 17.08.2017, but then the order impugned does not even remotely reflect that the plea taken by the petitioner in her reply to the show cause was considered before terminating her engagement as *Talimi Markaz* which renders the impugned order bad. It is further submitted that *Talimi Markaz* are appointed for imparting education to children in the age group of 5 to 10 years under the scheme of *Akshar Anchal Yojna*, it is next submitted that it is the resolve of the State Government to ensure that not a single child in between the age of 5 to 10 years remain uneducated.

4. The learned counsel for the petitioner further submits that since the reply filed by the petitioner was not



considered by the District Education Officer-cum-District Programme Officer, Muzaffarpur terminating the engagement of the petitioner as *Talimi Markaz* renders the order impugned vulnerable.

5. The learned State counsel is also not in a position to rebut the said submission of the learned counsel appearing on behalf of the petitioner after perusing the order impugned in the instant writ application.

6. After hearing the learned counsel for the parties, *prima facie*, from perusal of the order impugned contained in Memo No. 42 dated 25.01.2018, it would manifest that the same has been issued without considering the plea taken by the petitioner in her reply to the show cause and the order was also passed on dictates of the Secretary, Department of Education, Government of Bihar, Patna and Director, Mass Education which amply demonstrates that the order of termination was passed at the behest of the superior authorities, as such, the order impugned contained in Letter No. 42 dated 25.01.2018 passed by the District Education Officer-cum-District Programme Officer, Literacy Muzaffarpur is hereby quashed and the respondents are directed to restore the engagement of the petitioner as *Talimi*



Markaz.

7. However, this order will not come in the way of the respondents in taking a fresh decision in accordance with law.

8. Accordingly, the writ application is disposed of.

(Satyavrat Verma, J)

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