

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8517 of 2020

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Rishi Raj Pandey @ Rishiraj Kumar Pandey Son of Ashok Kumar Pandey
Resident of Village Vashishthpuri near Shiv Mandir, P.S.- Ara, P.O.-
Chandawa, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Bihar, Patna.
2. The Director (Secondary Education), Education Department, Government of Bihar, Patna.
3. The District Education Officer, Bhojpur.
4. The District Programme Officer (Secondary Education), Bhojpur.

... .. Respondent/s

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Appearance :

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

Ms. Hinja Gautam Singh, Advocate

For the State : Mr. Madanjeet Kumar, GP 20

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 04-02-2025 Heard Mr. Dinu Kumar, along with Ms. Hinja Gautam Singh learned counsels appearing on behalf of the petitioner and Mr. Madanjeet Kumar, learned GP 20 appearing on behalf of the State.

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

“A. For quashing the office order vide memo



no.556 dated 09.09.2019 issued under the signature of Director, Secondary Education Department, Patna by which petitioner has been terminated from the post of guest teacher from Senior Secondary School Masadh, Bhojpur.

B. Also for commanding the respondents to allow the petitioner to work as guest teacher till permanent teachers are not appointed.

C. Also for commanding the respondents to make payment of arrears of salary for the working period, termination period and consequential service benefits to the petitioner and to make payment with 12% interest over dues salary.

D. Also for necessary relief /reliefs, order/ orders, direction/ directions for which the petitioners are entitled in the eye of law.”

3. Learned counsel appearing on behalf of the petitioner submitted that through communication contained in Memo no.556 dated 09.09.2019 (Annexure-7), issued by the Director, Secondary Education, the guest teachers, including the petitioner, were terminated without issuing any show cause notice to them. Learned counsel in this regard relied upon para no.14 of the judgment passed by the Hon'ble Supreme Court in **Civil Appeal No. of 2024 [Arising out of SLP (C) No.5580 of 2024] (Jaggo Vs. UOI and Ors.)** to contend 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. Similarly, in the case of the petitioner, his termination is against the principal of natural justice and the same is fit to be set-aside and quashed.

4. Per contra, learned counsel appearing on behalf of



the State submitted that the petitioner was appointed as guest teacher on the basis of general notice contained in Memo No.51 dated 25.01.2018 (Annexure-1). It was clearly mentioned in the said terms and conditions contained that, as and when, the regular appointment for the post of the petitioner will be made, the services of the petitioner will be terminated and the petitioner consciously accepted to be engaged as guest teacher. And in this regard, the termination of the petitioner cannot be said to be abrupt and the observations made in the para 14 in the case of **Jaggo (Supra)**, will not help the petitioner in any manner and the writ petition is fit to be dismissed.

5. Considering the rival submissions made on behalf of the parties, as well as, having considered the terms and conditions contained in Memo No.51 dated 25.01.2018 (Annexure-1) and letter of engagement contained in Memo No.3500 dated 16.08.2018 (Annexure-2), I find that, though the terms of contract stipulate that, as and when, the regular appointment will be made, then, the services of the guest teachers will be terminated. The termination of the petitioner is without prior notice and can only said to be abrupt, in violation of principal of natural justice. Following the law laid down by the Apex Court in case of **Jaggo (Supra)**, the petitioner is first



required to be given due opportunity of hearing and then a reasoned order should be passed by the authority concerned. So far as, the Memo No.556 dated 09.09.2019 is concerned, the same is interfered with, so that, the authority concerned can take a corrective measure, in accordance with law.

6. It goes without saying that if the petitioner is entitled for any back wages/ salary, which has not been paid to the petitioner during his tenure of service, the same should be paid to him without any delay.

7. With the above observation/ direction, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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