

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5251 of 2018

1. Bhagirathi Pd. S/o Gajadhar Pd., R/o Chaube Parsa, P.S.- Phulwariya, Distt- Gopalganj.
2. Nabeel Ahmad, S/o Saheb Hussain, At Usuri, P.S.- Basantpur, Distt- Siwan.
3. Mushtaque Ahmad, S/o Md. Luqueman Ansari, Vill- Kushahar, P.S.- Mahammadpur, Distt- Gopalganj.
4. Bindeshwari Pd. Gupta, S/o Late Khedan Sah, R/o Sarafara, P.S.- Barauli, Distt- Gopalganj.
5. Kalimullah, S/o Mohammad Umar, At- Bakhraur Panchpatiya, P.S.- Barauli, Distt- Gopalganj.
6. Baleshwar Ram, S/o Sudama Ram, At- Ahirauli Dubali, P.S.- Gopalpur, Distt- Gopalganj.
7. Ram Kumar Ram, S/o Ganesh Ram, At- Gopalpur, P.S.- Basantpur, Distt- Siwan.
8. Raj Kishore Rai, S/o Late Lalbabu Rai, At- Chhathiyaon, P.S.- Bhore, Distt- Gopalganj.
9. Chandrika Ram, S/o Jhuri Ram, At- Rampur Chakrawa, P.S.- Bhore, Distt- Gopalganj.
10. Suryanath Ram, S/o Rudal Ram, At- Padmaul, P.S.- Masrak, Distt- Saran.
11. Surendra Rai, S/o Late Asharfi Rai, At- Barka Gaon Tola Balha, P.S.- Bhagwanpur, Distt- Siwan.
12. Babulal Bhakt, S/o Late Dhanraj Bhakt, At- Semarbari, P.S.- Phulwariya, Distt- Gopalganj.
13. University Grant Commission through its Secretary, New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director Higher Secondary, Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The District Primary Teacher Promotion Committee, Gopalganj through its Chairman.
5. The District Education Officer-cum-Chairman, and the District Programme Officer Estd.-cum-Secretar
6. The District Programme Officer Estd., Gopalganj.
7. The Block Education Officer, Gopalganj Block, District- Gopalganj.



8. The Block Education Officer, Baikunthpur Block, Distt- Gopalganj.
9. The Block Education Officer, Manjha Block, District- Gopalganj.
10. The Block Education Officer, Thawe Block, District- Gopalganj.
11. The Block Education Officer, Sindhwalia Block, District- Gopalganj.
12. The Block Education Officer, Barauli Block, District- Gopalganj.
13. The Block Education Officer, Bhore Block, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv
For the Respondent/s : Mr.Kameshwar Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

12 28-11-2025 Heard learned counsel for the petitioners and learned
counsel for the respondent-State.

2. In the present writ application, the petitioners have
prayed for the grant of following reliefs:

*(i) For quashing of an office
order contained in memo no.-486 dt.-
01.03.2018 issued by the District
Programme Officer (Establishment),
Gopalganj whereby and whre under
the promotion order contained in
memo no.-459 dt.-27.02.2018 issued
in favour of the petitioners has been
cancelled with immediate effect in the
light of decision taken by the District
Elementary School Teacher Promotion
Committee, Gopalganj dt.-22.12.2017.*

*(ii) For direction upon the
respondent authorities to*



restore/revive the office order contained in memo no.-459 dt.-27.02.2018 whereby the petitioners were given promotion to the post of Head Master and accordingly, they were posted at their respective School as Head Master.

(iii) Operation of impugned office order vide memo no.-486 dt.-01.03.2018 as contained in Annexure-1 may be stayed during pendency of the writ application.

(iv) For any other relief/reliefs to which the petitioners may be entitled to.

3. In paragraph 14 of the writ application, it has been specifically contended by the petitioners that before issuing the impugned order contained in Memo No. 486 dated 01.03.2018 (Annexure-1) by the District Programme Officer (Establishment) Gopalganj whereby the promotion order contained in Memo No. 459 dated 27.02.2018 issued in the favour of the petitioners was cancelled, no notice was given. In this regard, paragraph 14 of the writ application is quoted hereinbelow for needful:

“14. That before issuing the order impugned contained in Annexure-1. no



show-cause etc. was issued to the petitioners, and therefore, the same has been issued in gross violation of the Principle of Natural Justice.”

4. In response to the above specific statement of violation of principles of natural justice pleaded by the petitioners, respondent no. 5 i.e. the District Programme Officer (Establishment)-cum-Secretary, Gopalganj in paragraph 6 of its counter affidavit has not denied or controverted the statement made by the petitioners in paragraph 14 as quoted above and has simply stated that the facts need no comment. Paragraph 6 of the counter affidavit submitted by the District Programme Officer (Establishment)-cum-Secretary, Gopalganj is quoted here-in-below for needful:

“That as regards statement made in paragraph nos. 3 to 15 it is submitted that these are facts need no comment.”

5. Considering the fact that the promotion granted to the petitioners have been cancelled, it was necessary that the petitioners ought to have been issued show cause notice prior to passing this adverse order which has admittedly not been done and thus, it is a blatant case of violation of principles of natural justice. For this reason alone, the impugned order dated



01.03.2018 contained in Memo No. 486 (Annexure-1) issued by the District Programme Officer (Establishment), Gopalganj is set aside and consequently, the office order contained in Memo No. 459 dated 27.02.2018 (Annexure-4) stands revived/restored. It shall, however, be open for the respondent-District Programme Officer (Establishment), Gopalganj to carry out a fresh proceeding in accordance with law.

6. With the aforesaid observation and direction, the present writ application is allowed in the aforesaid terms. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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