

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3356 of 2020

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Boby Devi Wife of Girindra Mohan Prasad Resident of Village and P.O.-
Wari, Block- Sindhiya, P.S.- Sindhiya, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The District Program Officer, Establishment, Samastipur.
4. The District Education Officer, Samastipur.
5. The Block Education Officer, Rosara, District- Samastipur.
6. The Presiding Officer, District Appellate Authority, Samastipur.
7. The Member District Teacher Niyojan Appellate Authority, Samastipur.
8. The Mukhiya Cum Chairman Under Gram Panchayat Niyojan Samiti, Under Gram Panchayat Raj, Bharwari, Block- Rosara, District- Samastipur.
9. The Panchayat Secretary, Under Gram Panchayat Raj, Bharwari, Block- Rosara, District- Samastipur.
10. Smt. Priyanshu Kumari Wife of Raju Sao @ Arjun Prasad Sahu Resident of Village- Hanuman Nagar, P.O.- Bharwari, Via- Mangal garh, P.S.- Rosara, Block- Rosara, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Advocate Mr. Chandan Kumar, Advocate Mr. Rajit Kumar, Advocate
For the Respondent/s	:	Ms. Shilpa Singh (GA-12)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-03-2025 Heard Mr. Shekhar Kumar Singh, learned counsel

 appearing on behalf of the petitioner and Ms. Shilpa Singh,

 learned GA-12 for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought *inter alia* following relief(s), which is



reproduced hereinafter:

"(i) For issuance of writ/ Writs, Order/ Orders, Direction/ Directions in the nature of certiorari quashing the order impugned dated 09.07.2019 passed by Kishore Kumar Mandal, Chair Person (J) State Appellate Authority, Education Department, Government of Bihar, Patna, whereby and where under appeal No. 633/2018 filed by the petitioner has been rejected and affirming the order dated 14.9.2018 passed by the District Teachers Employment Appellate Authority, Samastipur, passed in appeal No. 1494/2011.

(ii) For further quashing the impugned letter No. 01 dated 4.2.2015 issued by Panchayat Niyojan Samastipur under Gram Panchayat Raj Bharwari, Block- Rosara, District- Samastipur, in which the appointment of the petitioner was cancel by the Niyojan Samiti. In which the petitioner preferred by way of an appeal No. 1494/2011 before the District Appellate Authority, Samastipur, praying for set aside the letter No. 01 dated 4.2.2015 but the same has been rejected on 14.9.2018.

(iii) For further direction upon the Respondents to immediately accept the fresh joining of the petitioner on the post of Panchayat Teacher in Primary School, Malikana Mushahari under Gram Panchayat Raj, Bharwari, Block- Rosra, District- Samastipur in view of the appointment letter was issued by the Respondent Niyojan Samiti.

(iv) For further any other relief/ reliefs, order/orders, direction/ directions may deem fit and proper in the facts and circumstances of this case."

3. I have perused the judgment dated 09.07.2019 passed by the State Appellate Authority in Appeal No. 633 of 2018. It is admitted case that the petitioner was appointed on 23.06.2011 by the appointing body as Panchayat Teacher for Class I to V, during the period, when the Bihar Elementary Teachers (Employment and Service Condition) Rule, 2006 (hereinafter referred to as the 'Rule, 2006') was in force.



Subsequent to same, while Rule, 2006 was repealed and all the previous acts were saved, the petitioner continued as Niyojit Shikshak as per her qualification till she was restrained from performing her duty on 04.02.2015, on the basis of information that one Smt. Priyanshu Kumari, who has been impleaded as private respondent no. 10 to the present writ petition, was also appointed as Panchayat Teacher on 20.03.2007 by the same employment unit and till the year 2009, no dispute was raised against her employment. However, private respondent no. 10 did not join for several months.

4. Petitioner is aggrieved by the arbitrary removal/termination on the ground that due process as prescribed for taking disciplinary action contained in Sub-Clause (Chh) of Rule 15 of the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2012 (hereinafter referred to as the 'Rules, 2012'), for imposing major punishment has not been followed.

5. I find that the State Appellate Authority has not been able to appreciate to decide the case of the petitioner, as well as, private respondent no. 10 on the basis of materials available on record relating to their appointment and has also miserably failed to record the information, which were



furnished by the employment unit. Though, it appears from the impugned judgment that the District Programme Officer (Establishment), Samastipur, District Education Officer, Samastipur and Block Education Officer, Rosara, Samastipur, were impleaded as respondents no. 3, 4 and 5 respectively and they were heard. The judgment dated 09.07.2019 passed by the State Appellate Authority in Appeal No. 633 of 2018 requires interference of this Court.

6. Accordingly, the matter is remitted back to the State Appellate Authority for deciding the case of the petitioner and respondent no. 10 afresh after giving due opportunity of hearing to all the parties, on the basis of materials available with the employment unit in respect of the appointment of respondent no. 10 and the petitioner and, thereafter, the same should be judged, as to whether, the due process was followed by the employment unit or by the District Programme Officer (Establishment), Samastipur, in terminating the petitioner and in again reinstating the respondent no. 10 in her place in accordance with Sub-Clause (Chh) of Rule 15 of Rules, 2012.

7. The State Appellate Authority can take remedial measures and correct the order passed by the sub-ordinate forum.



8. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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