

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1804 of 2024

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Dharmendra Kumar Sah Son of Lalan Shah, Resident of Village- Karan Kudaria, Police Station- Mashrakh, District- Saran at Chapra, presently posted as Assistant Teacher, Navshrijit Primary School, Maharani Hathiyahi, Police Station- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
5. The District Magistrate, Gopalganj.
6. The District Education Officer, Gopalganj.
7. The District Programme Officer (Establishment), Gopalganj.
8. The Block Education Officer, Baikunthpur, Gopalganj.
9. The Headmaster, Nav Shrijit Primary School, Maharani Hathiyahi, Block-Baikunthpur, District- Gopalganj.
10. The Panchayat Secretary, Gram Panchayat Raj, Usri, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate
		Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Mr. Standing Counsel 8

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-02-2025 Heard the parties.

2. The present writ petition has been filed for quashing Memo no. 05 dated 19.07.2023, issued by the Panchayat Teacher Selection Unit, Gram Panchayat Raj, Usri, Block-Baikunthpur, District- Gopalganj, whereby without any show cause notice, service of the petitioner as Panchayat Teacher has been terminated from service. Petitioner has also prayed for



necessary direction upon the respondent authorities to reinstate the petitioner with full back wages and all consequential benefits.

3. Learned Senior Counsel for the petitioner submits that without following the due procedure mentioned in Clause-15(ख) of Bihar Panchayat Primary Teacher (Employment and Service Condition) Regulation, 2012, aforesaid order dated 19.7.2023 (Annexure 12) was passed without issuing any show cause to the petitioner. Learned Senior Counsel submits that in several similar cases, different co-ordinate Benches of this Court vide order dated 09.09.2019 passed in CWJC No. 4601 of 2018 (Ranjan Kumar Gupta v. The State of Bihar and Ors. and other analogous cases) as well as order dated 04.03.2021, passed in C.W.J.C.No. 8920 of 2020 (Mosahib Ali @ Masahib Ali Vs. State of Bihar and others) have considered the issue involved in the present case and have set aside the order of termination. Such order was also upheld in the L.P.A. No.501 of 2017 (Ajit Kumar vs. The State of Bihar and Ors).

4. Learned counsel for the State does not controvert this factual position of the case.

5. Having regard to the aforesaid facts and circumstances of the case, order of termination of the petitioner dated 19.07.2023



(Annexure 12) is set aside. The authority concerned is directed to reinstate the petitioner in service. Monetary benefits to the petitioner for the period that she had remained terminated shall abide by the inquiry which would be conducted by the respondents, if so advised, after due notice to the petitioner.

6. It is also clarified that the inquiry, if any, shall be conducted in accordance with the prescribed procedure and law in that regard and thereafter a final decision shall be taken expeditiously, after affording an opportunity of hearing to the petitioner.

7. The writ petition stands allowed.

(Anjani Kumar Sharan, J)

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