

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20170 of 2025

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Vibha Kumari Wife of Sri Jitendra Kumar Resident of Village -Sanath Bigha,
P.O.- Dalmianagar P.S.- Rohtas District - Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Rohtas.
4. The District Programme Officer (Establishment), Rohtas.
5. The Block Education Officer, Nokha, P.O. and P.S.- Nokha, District- Rohtas.
6. The Member Secretary, Panchayat Teacher Employment Committee -cum- Panchayat Secretary, Gram Panchayat Raj, Karup, Block- Sasaram, District- Rohtas.
7. The Headmaster, Primary School, Diliya, Block- Sasaram, District- Rohtas.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
	:	Mr. Shyama Kant Singh, Advocate
For the Respondent/s	:	Mr. Government Pleader (20)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 16-12-2025 Heard learned counsel for the petitioner and learned
counsel appearing for the Respondent-State.

2. This writ application has been filed for setting aside the order of removal as contained in Letter No. 22 dated 14.10.2022 (Annexure-P/3) issued by the Member Secretary, Panchayat Teacher Employment Committee-cum-Panchayat Secretary, Gram Panchayat Raj, Karup, Block-Sasaram, District-Rohtas by which the services of the petitioner have been removed without giving any opportunity of hearing to the



petitioner.

3. Learned counsel for the petitioner submits that from bare perusal of the impugned order dated 14.10.2022 (Annexure-P/3), it shall transpire that the petitioner's services have been terminated/dismissed alleging that he had obtained employment on the basis of forged documents. Whatever be the nature of allegation, the petitioner contends that he should at least have been heard prior to being removed from service which was not done in the present case. He further assails the impugned order by submitting that not only her employment has been canceled but also order for recovery of the payments taken by him during the service period has been directed to be recovered.

4. It is by now well settled that if allegations are made against any person and based on those allegations, if the service is to be terminated/dismissed then opportunity of hearing must be provided to that person. In the present matter, it is an admitted position that prior to issuance of the termination order, no notice was issued to the petitioner and without granting him any opportunity of defence or without following the principles of natural justice, the services of the petitioner has been terminated and direction for recovery has been made.



5. In the considered view of this Court, an opportunity of hearing was required to be given to the petitioner prior to passing the termination order, which has admittedly not been done in the present case and, therefore, this itself is sufficient enough to quash and set aside the termination order and allow the writ petition.

6. Keeping in view the aforesaid, the writ application is allowed and the order of termination dated 14.10.2022 (Annexure-P/3) passed by the Member Secretary, Panchayat Teacher Employment Committee-cum-Panchayat Secretary, Gram Panchayat Raj, Karup, Block-Sasaram, District-Rohtas is set aside and the respondents are granted liberty to proceed in accordance with law. The respondents should reinstate the petitioner and thereafter proceed in the matter in accordance with law. For the intervening period, no salary will be paid to the petitioner. So far as the petitioner is concerned, it would be dependent upon the final outcome of the inquiry conducted by the respondents and the action that they propose to take after such inquiry.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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