

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5676 of 2026

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Seema Kumari D/o B Prasad, Resident of Village- Chapariya, Post- Rajpur,
P.S. Sanjhauli, District- Rohtas at Sasaram, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Rohtas at Sasaram.
4. The District Programme Officer (Establishment), Rohtas at Sasaram.
5. The Block Education Officer, Akodhigola, District- Rohtas at Sasaram.
6. The Member Secretary, Panchayat Teacher Planning Unit-cum-Panchayat Secretary, concerned Gram Panchayat, District- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mira Kumari, Adv.
For the Respondent/s : Mr. Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 21-04-2026 Heard learned counsel for the parties.

2. This writ application has been filed for setting aside the order of removal as contained in Letter No. 13 dated 12.09.2022 (Annexure-P/2) issued by the Panchayat Teacher Planning Unit -cum- Panchayat Secretary by which the services of the petitioner have been removed on the basis of an alleged invalid certificate 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 12.09.2022



(Annexure-P/2), 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 as contained in letter no. L-869 dated 11.03.2022 issued by the District Programme Officer (Establishment), Rohtas whereby the salary of the petitioner was illegally suspended from January, 2022 to September, 2022, without following the principles of natural justice.

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 her any opportunity of defence or without following the principles of natural justice, the petitioner has been removed from service.

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 order of removal and allow the writ petition.

6. Keeping in view the aforesaid, the writ application is allowed and the order of removal contained in Letter No. 13 dated 12.09.2022 (Annexure-P/2) issued by the Panchayat Teacher Planning Unit -cum- Panchayat Secretary by which the petitioner has been removed from service on the basis of an alleged invalid certificate, 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.

(Ajit Kumar, J)

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