

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6914 of 2026

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1. Madhu Kumari Wife of Shani Kumar, Resident of Village- Bhorma, P.O.- Nahauna, P.S.- Sasaram, District- Rohtas.
 2. Ashok Kumar, Son of Rameshwar Ram, Resident of Village- Purahara, P.O.- Barahari, P.S.- Karhagar, District- Rohtas.
 3. Santosh Kumar Bhagat, Son of Shivnarayan Bhagat, Resident of Village- Dhartar, P.O.- Rudrawar, P.S. and District- Kaimur, Bhabhua.

... .. Petitioner/s

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, Panchyat Employment Committee-cum-Panchayat Secretary, Gram Panchayat Raj, Karup, Block- Sasaram, District- Rohtas.
7. The Headmaster, Primary School, Diliya, Block-Sasaram, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh
For the Respondent/s : Mr. Deepak Sahay, AC to AAG-4

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 05-05-2026 Heard learned counsel for the parties.

2. Counsel for the petitioner submits that similar issues had come up for consideration before the Hon'ble Division of this Court and the issues have already been put at rest vide order dated 14.11.2017 passed in LPA No. 501 of 2017.

The relevant portion is being extracted which reads as follows:-

*“Petitioner was appointed as a
teacher in the year 2014 based on the*



certificate issued to him for having passed the T.E.T. However, after working for about three years, by the impugned order dated 1.12.2016, after about two years, his services have been terminated by indicating that he has submitted a forged eligibility test certificate for seeking appointment. However, it is an admitted position that after working for about two years, on account of producing a forged T.E.T. Certificate, his services were terminated without issuing notice to him, without granting him any opportunity of defence or without following the principles of natural justice. A Co-ordinate Bench of this Court in the case of Chief Post Master General vs. Nirbhay Kumar, 2008 (3) P.L.J.R. 344 has laid down the principle that when penal action is taken and services of an employee is terminated, which has an adverse consequence on the delinquent employee, at least an opportunity of hearing should be granted to him. Even though these grounds were canvassed before the learned Writ Court, the learned Writ Court seems to have dismissed the writ petition because even the T.E.T. certificate, which was alleged to be forged, was not filed.

In our considered view, when it is an admitted position that when the services of the petitioner were terminated for having procured it by producing a forged certificate, an



opportunity of hearing was required to be granted to the petitioner and the same having not been done, this itself is sufficient enough to allow the writ petition.

Keeping in view the aforesaid, we allow the petition, quash the order dated 8.2.2017 and grant liberty to the respondents 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 petitioners. So far as the appellant is concerned, it would be dependent upon the final out come of the enquiry conducted by the respondents and the action that they propose to take after such enquiry.”

3. It is next submitted that the Co-ordinate Bench has also dealt with the same issue by passing appropriate order in the case of Vibha Kumari Vs. The State of Bihar & Ors. (CWJC No. 20170 of 2025) and the relevant portion is being extracted which reads as follows:-

“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.”

4. From the order impugned itself, it appears that merely on the basis of unilateral findings, the document, appended by the petitioners, has been found to be forged without giving an opportunity of hearing to the petitioners, as is apparent.

5. Accordingly, taking cue from the adjudication made by this Court in the aforementioned cases and adopting a similar view, the violation of the principles of natural justice before passing the impugned termination order, as is evident from the impugned Letter No.22 dated 14.10.2022, which is under challenge, the writ application is allowed and the impugned order of termination is set aside and the respondents should reinstate the petitioners and thereafter proceed in the matter in accordance with law. For the intervening period, no salary will be paid to the petitioners. So far as the petitioners are 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.

6. Accordingly, the writ petition stands allowed.

(Ajit Kumar, J)

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