

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.9764 of 2010

1. SHILA KUMARI, D/O LATE MOTI LAL, W/O BIRENDRA PRASAD SINGH, R/O VILLAGE BODHA CHAK, P.O. MITAN CHAK, P.S. PARSA BAZAR, DISTRICT-PATNA-----PETITIONER

Versus

1. THE STATE OF BIHAR.
2. THE DISTRICT TEACHERS EMPLOYMENT APPELLATE TRIBUNAL PATNA THROUGH ITS SECRETARY.
3. THE SECRETARY, DISTRICT TEACHERS EMPLOYMENT APPELLATE TRIBUNAL, PATNA.
4. THE DISTRICT MAGISTRATE, PATNA.
5. THE DISTRICT SUPERINTENDENT OF EDUCATION, PATNA.
6. THE BLOCK DEVELOPMENT OFFICER, SAMPATCHAK BLOCK, PATNA.
7. THE BLOCK EDUCATION EXTENSION OFFICER, SAMPATCHAK BLOCK, PATNA.
8. GRAM PANCHAYAT CHIPURA OF PATNA DISTRICT THROUGH ITS SECRETARY.
9. THE MUKHIYA, GRAM PANCHAYAT, CHIPURA, SAMPATCHAK BLOCK, DISTRICT-PATNA. 10. THE SECRETARY, GRAM PANCHAYAT, CHIPURA OF SAMPATCHAK BLOCK, DISTRICT-PATNA-----RESPONDENTS

For the Petitioner: M/s. S.K.Verma & B.B.Sinha, Advocates  
For the State: Mr. S.K. Giri, AC to AAG-6  
-----

2

28.2.2011

Heard learned counsel for the parties.

Annexure-5 is the order passed by the District Teachers Employment Authority, Patna. By virtue of the order dated 12.4.2010 the entire selection made on the post of Panchayat Teachers has been set aside for the so called infirmities found by the tribunal.

Submission of learned counsel for the petitioner is that neither the petitioner was heard nor any notice was issued to her and order having civil consequence have been passed. If that be so, then the order is no order in the eye of law as she cannot be condemned without being given opportunity of hearing.

The Court is in agreement with the counsel for the petitioner on this issue whatever the material emerged during the course of hearing. If the tribunal was of the opinion that the entire

selection is required to be interfered with then at least minimum the tribunal ought to have been done that all the persons affected thereof should be heard. Non-hearing or not given opportunity of hearing violates the principle of natural justice and goes to the root of the matter.

The impugned order contained in annexure-5 is quashed in so far as it relates to present petitioner. Matter is remanded back to the authority that they will give opportunity of hearing to the petitioner after issuing notice to her and adjudicate the matter afresh.

This writ application is allowed.

RPS

(Ajay Kumar Tripathi,J.)

