

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23057 of 2011

=====

Nasrin Sultana WIFE OF MD. IRFANUDDIN ANSARI RESIDENT OF MAHADEVA ROAD, NER BADHAWA GALI, ARA, DISTRICT BHOJPUR.

.... Petitioner/s

Versus

The State Of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary

For the Respondent/s : Mr. Anjani Kr Sharan SC9

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR

TRIPATHI

ORAL ORDER

2 30-04-2012

Heard learned counsel for the parties.

Besides other assertions which have been made in the writ application, the statement in paragraph 11 has significance in the matter of assailing the impugned order passed by the District Teachers Appointment Appellate Authority, Bhojpur contained in annexure-7.

The assertion on behalf of the petitioner is that on institution of the case by Jit Narayan Singh which was registered as Appeal No. 223 of 2010, the impugned order has been passed setting aside the appointment of the petitioner without impleading her as party or even issuing notice to her with regard to the allegation and as such the order suffers from the vice of violation of the principles of natural justice. According to the petitioner, this can be the sole ground for quashing the order.

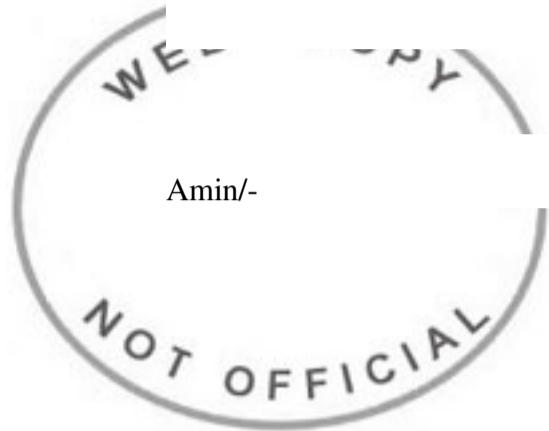
The Court perused the order contained in annexure-7 and does not find any reflection to disbelieve the assertion made in paragraph 11 of the writ application with regard to impleadment and notice to the petitioner. Such an order can never stand the scrutiny by a court. The impugned order dated 26.9.2011 passed in Appeal No. 223 of 2010 by the Appellate Authority, Bhojpur contained in annexure-7 is quashed. The matter is remitted back for fresh consideration after giving opportunity of hearing to the petitioner.

The Appellate Authority, however, is given liberty to satisfy itself on the assertion of the petitioner as to the authenticity of the above allegation.

Since many cases of such kind are coming before this Court, the Court is compelled to record that there is one obligation upon the forums so created by the State to hear one and all who are likely to be affected by the decision of the Appellate Authority on its adjudication before orders are passed, in the circumstances noted above. Failure to do so will never stand scrutiny of the High Court and, therefore, it amounts to wastage of people's time and money having no net result as to the dispute. The Member of the Appellate Authority is advised and cautioned to be more careful on this aspect in case he is not well versed with

the legal proceedings in this regard.

The writ application is allowed.



(Ajay Kumar Tripathi, J)