
(2006) 01 PAT CK 0024
In the Patna High Court
Case No : CWJC No. 2769 of 2000

Ram Prit Mahto

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 06-01-2006

Acts Referred:

Citation : (2006) 1 PLJR 501

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Mukesh Kumar Jha, for the Appellant; Rajesh Kr. Jha, for the Respondent

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties. The petitioner is challenging order dated 11.2.2000, issued by the District Education Officer, Bhagalpur, whereby and whereunder he has been dismissed from services.

2. It is submitted by learned counsel for the petitioner that the petitioner was appointed on Class IV post by the District Superintendent of Education, Bhagalpur and, thus, he continued in services. It is further submitted that appointment of the petitioner, in no way, could have been cancelled nor he could have been removed without proper inquiry.

3. It appears that the petitioner had challenged the order of dismissal before the Director, Secondary Education, Government of Bihar, which was dismissed and thereafter he came to this Court in C.W.J.C. No. 6153 of 1997 and the same was disposed of and direction was issued to the authorities to issue a fresh show-cause notice to the petitioner and on scrutiny of the reply to the show-cause they may pass order in accordance with law. The authorities thereafter effected show-cause notice on the petitioner, which was replied by him and thereafter the order, as contained in annexure 3, was passed dismissing him from services, as his appointment was found to be illegal and wholly without jurisdiction.

4. According to the case of the respondents, the District Superintendent of Education was not the competent authority to appoint the petitioner, rather the appointing authority is said to be the District Education Officer.
5. It is not in dispute that the petitioner was appointed by the District Superintendent of Education, Bhagalpur without any advertisement.
6. It appears that the appointment of the petitioner was back-door appointment totally ignoring the claim of others.
7. Learned counsel for the petitioner lastly submits that remuneration for the period the petitioner has actually worked has not been paid to him.
8. Learned counsel for the State submits that some payment has already been made to the petitioner and in case, it is found that the entire remuneration has not been paid to the petitioner, the same would be paid to him in accordance with law.
9. Regard being had to the facts and circumstances of the case, this application is dismissed. The petitioner may, however, represent his case for payment of remuneration for the period he has actually worked, which would be considered and disposed of in accordance with law.