

(2011) 07 PAT CK 0101
In the Patna High Court
Case No : LPA No. 1565 of 2009

The State of Bihar and Others

APPELLANT

Vs

Krishna Prasad Srivastava and Another

RESPONDENT

Date of Decision : 11-07-2011

Acts Referred:

Citation : (2011) 4 PLJR 1

Hon'ble Judges : T. Meena Kumari, J;Ahsanuddin Amanullah, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Having heard counsel for the parties on the point of limitation and as the other side has no objection in allowing the limitation petition the delay in filing of these appeals are condoned.
2. These Letters Patent Appeals have been filed against a common order dated 9.2.2009 passed in C.W.J.C. No. 185 of 2001 alongwith C.W.J.C. No. 2254 of 2001, wherein the writ petitioners-respondents herein has questioned the order dated 19.10.2000 vide Memo No. 1013 issued by the District Education Officer, West Champaran terminating the services of the writ petitioners-respondents herein on the ground that their appointments were illegal.
3. The learned Single Judge after hearing counsel for the parties has held that as there is no allegation of forgery committed by the petitioner or there is any misconduct on the part of the petitioners in securing their appointment letters, the order for termination of the petitioners is not sustainable.
4. Learned counsel for the Respondent-State has filed a counter affidavit in the writ petition stating therein that the appointment letters of the petitioners are forged as according to the Government circular there should be an advertisement by the appointing authority and further the petitioners were not called for an interview and no panel was prepared and therefore illegal appointments of the petitioners were rightly terminated.

5. Before coming to the merits of the case we are of the opinion that as there is no material placed before us to come to the conclusion that any enquiry was conducted by the responsible officer before issuing any show cause as with regard to violation of principles of appointment, the appointments of the petitioners cannot be termed as illegal. We are further of the opinion that the appellants have no right whatsoever to treat the appointments of the petitioner as illegal without conducting any enquiry.

6. In absence of any such materials the contention raised by counsel for the appellant applying the principles as laid down in Uma Devi's case* is not sustainable.

7. In that view of the matter, we do not find any illegality in the order of the learned Single Judge. Accordingly, these appeals stand dismissed at the admission stage itself.