

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2796 of 1999

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1. Ashok Kumar Abhay, Son of Shri Kashi Poddar, resident of village Deena Chakla, P.S. and Dist. Khagaria
 2. Krishnadeo Kumar, Son of Shri Dharo Pd. Resident of village Pasraha, P.S. Pasraha, Dist. Khagaria
 3. Asheshwar Singh, son of Sri Chhotelal Singh, resident of village & P.S. Pasraha, Dist. Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Animal Husbandry & Fisheries Department, Govt. of Bihar, Patna
3. The Regional Dy. Director, Magadh Range, Department of Animal Husbandry & Fisheries, Gaya.
4. The Dy. Director, Animal Husbandry, Koshi Range, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
With Mr. Arun Kumar Pandey

For the Respondent/s : Mr. Manoj Kumar Sinha, AC to SC-30

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 10-04-2015

1. This is an application seeking quashing of an order issued vide Memo no. 73 dated 01.02.1999 by the Regional Deputy Director, Animal Husbandry, Kosi Range, Saharsa whereby, the petitioners' adjustment against Class III post in the Department of Animal Husbandry has been terminated on the ground that the same were illegal. Their response to the show cause notices, issued to them for termination of their

services have also been rejected by the said order.

2. The appointment of the petitioners have been cancelled on the ground that the records with respect to their initial appointment were not available in the concerned office and no procedure was followed for their initial appointment against Class IV post.

3. Learned Senior Counsel appearing on behalf of the petitioners has not been able to satisfy this Court that the petitioners were duly appointed after following the process of selection through advertisement. He, however, submits that the services of these petitioners could not be dispensed with for the lapses on the part of the State Respondents as according to them, the documents relating to their appointments are missing.

4. It appears to me that the cases of these petitioners are squarely covered by Supreme Court decision in case of State of Bihar Vs. Narayan Singh reported in (2009) SCC 65 and the Full Bench judgment of this Court dated 25.11.2014 delivered in CWJC No. 12904 of 1996 reported in 2014 (4) PLJR 761 (Sri Sashi Bhushan Kumar Vs. State of Bihar and others)

and other analogous matters which relates to the appointments made in the same Department of Animal Husbandry, Government of Bihar where the appointments were made in the similar manner, as in the present case.

5. In view of the Full Bench judgment of this Court in case of Sahsi Bhushan Kumar Vs. State of Bihar & ors (supra), I do not find any merit in this application. This application is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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