

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.156 of 2015

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Durg Vijay Singh, Son of Dal Bhanjan Singh, Resident of vill-Randadih,
P.O+P.S-Shahpur, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Joint Secretary, Agriculture Department, Govt.of Bihar, Patna.
3. Agriculture Director Bihar,Patna.
4. Joint Agriculture Director ,Patna Commissioner,Patna.
5. The District Collector,Bhojpur at Ara.
6. The District Agriculture Officer,Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Maya Shankar Mishra
For the State	:	Mr. Birju Prasad, G.P.-13
		Mr. Ravi Kumar, A.C. to G.P.-13
		Mr. Ashok Kumar, A.C. to G.P.-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 26-07-2016 Heard Mr. Maya Shankar Mishra, learned counsel for the
petitioner and Mr. Birju Prasad, learned G.P.-13, for the State.

The petitioner is aggrieved by the order bearing memo no.969 dated 21.7.2012 where by his engagement to the post of ‘Kisan Salahkar’ has been terminated, a copy of which is impugned at Annexure-6 to the writ petition. Though the petitioner questions the termination order on grounds that it was passed without any show cause and without opportunity of hearing but having heard learned counsel for the parties I am of the opinion that the writ petition is bound to fail for more than one reason. Firstly, the petitioner has luxuriously chosen to



question the order of termination after the lapse of almost three years and secondly the petitioner has responded to the fresh advertisement which was issued for filling of the post, a copy of which is placed at Annexure-B to the counter affidavit of the State, but was not selected. The petitioner thus, having taken the risk to respond to the advertisement and having not been selected, even on principles of estoppel, he cannot turn around, to question his termination.

It is submitted by Mr. Maya Shankar Mishra, learned counsel for the petitioner that he has worked until his termination on 21.7.2012 but has not been paid for the engagement. He also submits that the original certificates submitted by the petitioner have not been returned.

Having heard learned counsel for the parties and considering the circumstances, this writ petition is disposed of with direction that in case the respondents hold any process of engagement in future then the case of the petitioner should be considered by the respondent-Authority without being prejudiced by his earlier disengagement as well as his failed attempt if the petitioner otherwise satisfies the eligibility conditions. It also goes without saying that in case the petitioner has not been paid for his work as 'Kisan Salahkar' during his

earlier engagement for the period 17.3.2012 to 21.7.2012 then he should be paid his due remuneration as found admissible. The original certificate deposited by the petitioner should also be returned to him, if not already returned.

(Jyoti Saran, J)

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