

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1563 of 2016

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1. Jitendra Kumar, S/o Sri Jaynath Rai, Resident of Mohallla- Chhatradhari Bazar, P.O. + P.S.- Bhagwan Bazar, District- Chhapra, Saran Pin Code- 841301.
 2. Pramod Kumar Manjhi, S/o Sri Gaya Manjhi, Resident of Village- Kuchao, P.O. + P.S. Garkha, District- Chhapra (Saran), Pin Code- 841311.
 3. Ranjan Kumar, S/o Sri Surendra Prasad, Resident of Village- Jalalpur, P.O Rasalpur, P.S. Doriganj, District- Chhapra (Saran), Pin Code- 841211.
 4. Manindra Kishore Prasad, S/o Sri Kamaldeo Prasad, Resident of Village- Patila, P.O. Chatra, P.S. Kopa, District- Chhapra (Saran).
 5. Apu Kumar, S/o Sri Proram Chand Sharma, Resident of Village- Jalalpur, P.O Rasalpur, P.S. Doriganj, District- Chhapra (Saran).
 6. Mohamed Guddu, S/o Noor Mohammad Resident of Village- Dahiyawa Chhoti Masjid, P.O. Chhapra, P.S. Nagar, District- Saran.
 7. Raju Kumar, S/o Bharat Rai, Resident of Village- Chanda, P.O Maraurha, District- Saran.
 8. Prashant Kumar Singh, S/o Sri Rabindra Singh, Resident of Village- Balha, P.O. + P.S. Amnour, District- Saran, Bihar, Pin Code- 841401.
 9. Chandra Shekhar Singh, S/o Sri Bijendra Singh, Resident of Village- Mani Sirisiya, P.O. Hudsepur, P.S. Amnour, District- Saran Bihar.
 10. Chhat Narayan Prasad Yadav, S/o Shiv Lochan Prasad Yadav, Resident of Village- Sanagrampur, P.O. Bhatgai, P.S. Tareya, District- Saran.
 11. Munna Manjhi, S/o Shiv Mangal Manjhi, Resident of Village + P.O. Dhangarha, P.S. Baniyapur, District- Saran.
 12. Manoj Kumar, S/o Bindyachal Ram, Resident of Village- Baijalpur(Kesaio), P.O. + P.S. Sonpur, District- Saran.
 13. Bunilal Ram, S/o Late Mundrika Ram, Resident of Village- Maujampur, P.O. Narao, P.S. Awtar Nagar, District- Saran.
 14. Anil Kumar Thakur, S/o Baleshwar Thakur, Resident of Village + P.O. Madarpur, P.S. Mashrakh, District- Saran.
 15. Bikki Anand, S/o Ramakant Prasad, Resident of Village- Maraurha Khurd, P.O. + P.S. Maraurha, District- Saran.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Agriculture, New Secretariat, Patna, Bihar.
2. The Agriculture Production Commissioner, New Secretariat, Patna.
3. The District Magistrate, Saran at Chapra.
4. The District Agriculture Officer- Cum-Member, Secretary, Selection Committee, Saran at Chapra.
5. The Joint Director of Agriculture, Saran Division, Saran at Chapra.
6. The Block Selection Committee, Saran at Chapra through its Secretary.
7. The District Agriculture Officer-Cum-Member Secretary Kishan Salahkar Chayan Samiti, Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Singh, Sr.Adv.
Mr. Rajeev Kumar Singh, Adv.
Mr. Kumar Nikhil, Adv.



Mr. Nirala Kumar Singh, Adv.
For the Respondent/s : Mr. Satyeshwar Prasad, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 04-02-2017

Heard Mr. Rajendra Prasad Singh, learned Senior Counsel appearing on behalf of the petitioners alongwith Mr. Rajeev Kumar Singh, Advocate on Record and Mr. Satyeshwar Prasad, AC to SC-7 for the State.

Since pleadings are complete, hence with the consent of the parties the matter has been heard with a view to final disposal.

15 petitioners are before this Court raising grievance against their respective order of termination, impugned at Annexures 2 series, which are cyclostyled in nature bearing common Memo No. 1514, all dated 18.12.2015.

Mr. Rajendra Prasad Singh, learned Senior Counsel appearing on behalf of the petitioners, submits that Annexures 2 series are termination order issued in respect of the petitioners and have been passed without any show cause notice and opportunity of hearing to the petitioners, rather simply proceeding on an advisory issued by the Principal Secretary, Agriculture Department dated 26.8.2015 bearing Memo No. 408 placed at Annexure 1. He submits that the specific plea taken by the petitioner at paragraph 22 of the writ petition has not been answered.



Mr. Prasad, learned State Counsel, while admitting to the fact that no individual notice has been served on the petitioners, places reliance on Annexure 'H' which is the same advisory present at Annexure 1, whereby the Principal Secretary, Agriculture Department, has issued directions to the District Magistrate to examine irregularities in the appointment of Kisan Salahkar and submits that the District Magistrate as the Chairman of the Selection Committee of Kisan Salahkar has examined the issue to conclude that there was irregularity in the appointment. He, however, again accepts that no notice was issued to the petitioners.

An order of extreme penalty of termination cannot be passed without opportunity of hearing to the petitioners and in the present case the foundation for such removal is not on grounds that the appointment is void, rather the allegation is that the appointments are irregular. The petitioners, thus, were fully entitled to individual notice and also reasonable opportunity of hearing to defend their respective cases. Another infirmity in the impugned order of termination is impugned at Annexures 2 series that although it is individually issued but bears a common Memo No. 1514 all dated 18.12.2015 and is in a cyclostyled form, confirming that it has been passed mechanically.

For the reasons aforementioned, the conclusion of the District Magistrate bearing Memo No. 1469 dated 8.12.2015 passed by the



District Magistrate, Saran at Chapra as the Chairman of Kisan Salahkar Appointment Committee, present at Annexure 'I' to the counter affidavit together with the order of termination issued in respect of the petitioners bearing Memo No. 1514 dated 18.12.2015, impugned at Annexures 2 series cannot be upheld and are accordingly, quashed and set aside.

The writ petition is accordingly, allowed with consequential benefits.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	NA

