

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8136 of 2014

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Munendra Prasad son of Late Sarjug Prasad, resident of Village- Tengarahia, Post Office- Bakula Karmath, Block- Chanpatia, Police Station- Gopalpur, District- West Champaran at Bettiah

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate West Champaran at Bettiah
3. The District Panchayat Officer West Champaran at Bettiah
4. The Deputy Development Commissioner West Champaran at Bettiah
5. The Additional Collector (Departmental Enquiry), West Champaran at Bettiah
6. The Block Development Officer Ram Nagar, District- West Champaran at Bettiah
7. The Block Development Officer, Sikta, District- West Champaran at Bettiah
8. The Block Development Officer, Bagaha- I, District- West Champaran at Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.

For the Respondent/s : Mr. MANIKANT MISHRA, GP-25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 03-08-2017

Heard both sides.

2. The petitioner seeks quashing of the order dated 11.01.2014 passed by the District Magistrate-cum-Collector, West Champaran, Bettiah, as contained in Memo no. 31 (Annexure-1) by which the Collector, West Champaran, Bettiah dismissed the petitioner from his service. The petitioner further prays for quashing the order dated 13.08.2013 passed by the Collector, West Champaran, Bettiah as contained in Memo No. 541 (Annexure-1/A) by which the two increments of the petitioner was stopped with cumulative effect.

3. Mr. Jitendra Kumar Roy learned counsel for the petitioner assails the order on the ground that the Collector, Bettiah



appears to be Monarch and he passed these two orders according to his whim without following any procedure prescribed under Bihar Government Service (Classification Control and Appeal) Rules, 2005.

4. Learned counsel for the State could not be able to justify both the orders of the Collector, Bettiah by which he inflicted punishment of dismissal as well as stoppage of two increments with cumulative effect without following the procedure.

5. Having considered the submission of the parties and on perusal of the records, I am of the view that the District Magistrate West Champaran inflicted the punishments against the petitioner without following any rules meant for departmental proceeding and imposition of either minor or major punishments against the employee. Therefore, both the orders are palpably illegal. Accordingly, the writ petition is allowed. The order dated 11.01.2014 as contained in Memo no. 31 (Annexure-1) and the order dated 13.08.2013 as contained in Memo No. 541 (Annexure-1/A) are set aside. The matter is remitted to the Collector, West Champaran to proceed further in accordance with law.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
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