

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.697 of 2017

In

Civil Writ Jurisdiction Case No.5035 of 2016

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1. The Director, Museum, Bihar
 2. The Additional Director(Administration), Museum Society, Bihar, Patna.

... .. Appellant/s

Versus

1. Dr. Aakansha Daughter of Rama Shankar Roy Resident of 302, Mahalaxmi Apartment , Suresh Nagar, Thanthipur Gwalior (M.P) At Present resident of House NO. D3/259 Near Bazir Building (North of Sanjay Talkies Brahmpura PS Brahmpura, Distt Muzaffapur.
2. The State of Bihar through the Principal Secretary, of Art Culture and Youth Department Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Thakur, Sr. Advocate
For the State	:	Mr. SARVESH KUMAR SINGH- AAG13
		Mr. Tej Pratap Singh, AC to AAG-13
For the Respondent No.1:		Mr. Sunil Kumar Karn, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-10-2017

Having heard learned counsel for the parties, we find that the learned Writ Court has interfered with the order of termination dated 17.2.2016 mainly on the ground that it is punitive in nature, it amounts to termination of services by way of punishment, is not a termination simplicitor, but is by imputing certain acts of omission and commission on the respondent-employee which amounts to misconduct and as a formal departmental enquiry or



requirement of principles of natural justice have not been followed, the learned Writ Court has rightly interfered in the matter after considering the issue in question in detail. In doing so, we are of the considered view that the Writ Court has not committed any error warranting reconsideration.

The order impugned dated 17.2.2016 is punitive in nature and the same having been brought into force without following the basic principles of natural justice, no error has been committed by the learned writ court warranting reconsideration.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

