

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6037 of 2014

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Anoj Kumar Verma, Son Of Sri Ram Badan Mahto, Resident Of Village
Pusaho, Police Station - Bithan, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Samastipur
2. The Block Development Officer, Singhia, Samastipur
3. The Circle Officer, Singhia, Samastipur
4. The Manager, Information Technology, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 02-08-2017 Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 27.07.2013 contained in memo no.860 (Annexure-4) by which the Collector has terminated the engagement of the petitioner from the post of Block Information Technology Assistant.

Learned counsel for the petitioner assails the order and submits that on receipt of allegation against the petitioner, the Deputy Collector (Establishment) vide letter dated 14.05.2013 contained in memo no.519/Estt. called upon the petitioner and one Ashok Kumar, Executive Assistant to submit their explanation through Circle Officer, Singhia within two days. The petitioner



received the letter and submitted his show cause to the Circle Officer immediately after receipt of the show cause on 14.06.2013. The Circle Officer, vide Annexure-3, sent the representation of the petitioner to the Deputy Collector (Establishment) on 02.07.2013, but the order dated 27.07.2013 annexed as Annexure-4 shows that the Collector did not consider the show cause of the petitioner and terminated the service of the petitioner without hearing him. Therefore, the order is not sustainable as the same is violative of principles of natural justice.

On the other hand, learned counsel for the State submits that the petitioner was appointed on contract basis and Clause 3 of the order appointing the petitioner, as contained in Annexure-A to the counter affidavit, shows that if the service of the petitioner is found unsatisfactory the petitioner can be terminated from the service without any prior notice. The petitioner was temporarily appointed on the post of Block Information Technology Assistant on contract basis and, therefore, there is no violation of principles of natural justice.

Having considered the submissions of the parties and on perusal of the records, I find that the petitioner was appointed temporarily on contract basis, but certain allegation is made against the petitioner that the petitioner did not discharge his



duty properly for which he was appointed on contract basis and the petitioner was asked to show cause within two days. It appears that on receipt of allegation, the Collector asked for an explanation from the petitioner through Circle Officer, Singhia. The petitioner immediately after receipt of the show cause submitted his explanation to the Circle Officer on 14.06.2013. The Circle Officer sent the explanation of the petitioner to the Collector on 02.07.2013. The Collector passed the order terminating the service of the petitioner on 27.07.2013, but from the order it does not appear that the Collector, Samastipur considered the show cause of the petitioner. The order reflects that the show cause was not at all brought before the Collector. Therefore, I find that the order is bad and not sustainable in law. It appears that the petitioner has already filed representation for reconsideration of his termination letter vide Annexure-5.

In the result, the writ petition is allowed. The order dated 27.07.2013, as contained in Annexure-4, is quashed. The matter is remitted to the Collector to pass appropriate order in accordance with law after hearing the petitioner.

Arvind/-

(Prabhat Kumar Jha, J)

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