

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14234 of 2013

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Ram Vinay Thakur, aged about 34 years, son of Sri Dilleshwar Thakur,
Resident of Village- Pakaura, P.S. Kadirganj, Block- Dhanarua, District- -Patna
..... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Agriculture, Bihar, Patna
3. The District Magistrate, Patna
4. The District Agriculture Officer, Patna
5. The Block Agriculture Officer, Dhanarua, Patna

..... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Mukesh Kumar Singh, Advocate
For the Respondents : Ms. Smriti Singh, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 27-07-2017

The present petition has been filed for quashing of Memo No. 1291 dated 06.05.2013 (Annexure-1) passed and issued by the Respondent No. 4 whereby and whereunder the services of the petitioner as Kishan Shalahkar has been cancelled.

2. Learned Senior Counsel Mr. Rajendra Prasad Singh appearing on behalf of the petitioner makes a short submission to assail the impugned order on the ground of violation of natural justice. It is stated that no doubt show cause notice dated 13.04.2013 (Annexure-4) was issued, however, the same granted only 24 hours time to file reply thereto. Such time was insufficient and in any event the petitioner furnished the reply to the show cause on 25.04.2013 (Annexure-5), but the same has not been considered at all while



passing the impugned order dated 06.05.2013.

3. Learned counsel for the respondents opposes the writ petition submitting with reference to paragraphs 6 and 7 of the counter affidavit that the appointment of the petitioner was for a limited period namely, for the year 2010-11. It is stated that the petitioner's work was not found satisfactory and he was found absent on the date of visit of the District Magistrate, Patna on 13.04.2013 and accordingly he has been removed in terms of the impugned order.

4. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. No doubt a show cause notice was issued to the petitioner, however, the situation does not appear to have been one of such urgency that no more than 24 hours notice could have been given to the petitioner, more so, when the impugned order has been passed out three weeks thereafter. The reply to the show cause filed by the petitioner on 25.04.2013 was available on the file at the time of passing the impugned order on 06.05.2013 but the same has clearly not been considered. The impugned order is thus vitiated as it cannot be treated as a reasoned order upon consideration of the petitioner's reply and as such the same cannot be sustained.

5. The impugned order dated 06.05.2013 (Annexure-1) is accordingly set aside with a direction to the concerned respondent to pass orders afresh after grant of reasonable opportunity of hearing to



the petitioner in accordance with law expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this judgment.

6. The writ petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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