

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.369 of 2017

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Dinesh Kumar Mahto, Son of Sri Nathuni Mahto, resident of Mohalla- Old Durga Astha, Ward No. 13, Police Station and District- Supaul.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate Supaul.
3. The District Land Acquisition Officer, Supaul.
4. The Deputy Collector, Establishment, Supaul Collectorate, Supaul.

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. Mukul Prasad, AC to GP18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-03-2017

Heard Mr. Jitendra Kumar Roy, learned counsel appearing for the petitioner and Mr. Mukul Prasad, AC to GP-18, for the State.

With the consent of the parties the writ petition has been heard with a view to final disposal at the stage of admission itself.

The petitioner, a daily wager, is aggrieved by the order bearing Memo No. 1752-2 dated 28.9.2016, impugned at Annexure 1, whereby directions have been issued by the District Magistrate, Supaul to the District Land Acquisition Officer, Supaul to refrain from taking any work from the petitioner and following which an order is passed by the District Land Acquisition Officer, Supaul bearing Memo No. 742-2 dated 29.9.2016 whereby the petitioner has been relieved from this post vide Annexure 1/A.



It is the contention of Mr. Jitendra Kumar Roy, learned counsel appearing on behalf of the petitioner, that the order of removal is based on unfounded allegations and has been passed without opportunity of hearing to the petitioner. He has referred to the recommendation of the District Land Acquisition Officer himself, present at Annexure 5, whereby he has informed the District Magistrate, Supaul on 30.9.2016 i.e. after the orders have been passed that there has been no complaint against the petitioner either for rude behaviour or harassment and that his removal has hampered the computer work since the petitioner was posted as a Computer Operator on contract. It is the argument of Mr. Roy that the order of termination is thus not supported rather requires a consideration in view of the recommendation made by the District Land Acquisition Officer, under whom the petitioner was posted.

Mr. Mukul Prasad, learned State Counsel, has referred to the counter affidavit to submit that there were serious charges against the petitioner of rude behaviour and harassment to land holders.

I have heard learned counsel for the parties and have perused the records.

The order of termination has to go for more than one reason, namely,

- (a) It is passed in violation of the principles of



natural justice;

- (b) The petitioner does not have any inkling as to the reasons for his removal.
- (c) The allegation whatsoever has no basis because neither a copy of the complaint was supplied to the petitioner nor he has been informed regarding the same.
- (d) Whereas the order of the District Magistrate, impugned at Annexure 1, simply directs the District Land Acquisition Officer to restrain from taking any work from the petitioner but the District Land Acquisition Officer has proceeded to remove the petitioner without any opportunity of hearing to him.
- (e) The recommendation of the District Land Acquisition Officer present at Annexure 5 dated 30.9.2016 i.e. after passing of the orders impugned, explains the situation and exonerates the petitioner of the charges.

For the reasons so discussed above, the order of termination bearing Memo No. 1752-2 dated 28.9.2016 passed by the District Magistrate, Supaul and the order bearing Memo No. 742-2 dated



29.9.2016 passed by the District Land Acquisition Officer, Supaul, impugned at Annexure 1 and 1/A respectively, cannot be upheld and are accordingly quashed and set aside.

The writ petition is allowed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2017
Transmission Date	NA

