

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4085 of 2017

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Saroj Kumar Jha Son of Late Bijendra Jha R/o Village- Chatauni, P.S.-
Hathauri, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Minor Water Resources Department, Patna
2. Principal Secretary, Minor Water Resources Department, Govt. of Bihar, Patna. null null
3. Chief Engineer, Minor Wate Resources Department, Muzaffarpur.
4. The Executive Engineer, Minor Irrigation Division, Sheohar.
5. The Assistant Engineer, Minor Irrigation, Division, Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Respondent/s : Mr. Anirban Kundu- Sc24

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-04-2018 The petitioner was appointed on the basis of compassionate ground on the post of Accounts Clerk by an order dated 29.11.2002, whereafter the petitioner is said to have passed the departmental examination and had completed all other formalities for the purpose of his employment.

It is the contention of the petitioner that out of blue, an order dated 25.1.2017 has been served on the petitioner herein by which he has been reverted from the post of Accounts Clerk to the post of lower Division Clerk, without even giving him a show cause notice much less hearing him.

Per contra, the learned counsel for the respondents



submits that the respondents have followed the judgment of this Court dated 31.7.2015 passed in CWJC No. 10585 of 2015 (Jitendra Singh and others. Vs. State of Bihar & Ors) and analogous cases and in accordance thereafter the petitioner has been reverted since the compassionate appointment can only be made on the post of lower Division Clerk.

I have heard the learned counsel for the parties and perused the materials on record and I find that admittedly there has been violation of principles of natural justice and the respondents have not even thought it proper to call for a response from the petitioner prior to reverting him from the post of Accounts Clerk to the post of lower Division Clerk.

In such view of the matter, I deem it fit and proper to quash the order dated 25.1.2017 passed by the Executive Engineer, Minor Irrigation Division, Sheohar and remit the matter back to the said authority for passing appropriate order after seeking reply of the petitioner herein.

The said exercise may be completed within a period of four weeks from today.

(Mohit Kumar Shah, J)

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