

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3153 of 2016

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Amit Kumar Purbey, S/o Sri Binod Purbey, Resident of Mohalla- Khabdha Dumria, Narpatganj, Police Station- Narpatganj, District- Araria, was working as Data Entry Operator in the Office of Circle Officer, Narpatganj, District- Araria, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, General Administrative Department, Government of Bihar, Patna.
2. The Managing Director, Bihar State Electronics Development Corporation Ltd., Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The Deputy Collector, Land & Revenue, District- Araria.
5. The Circle Officer, Narpatganj, District- Araria.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra, Advocate
For the Respondent/s	:	Mr. N.H. Khan- SC-1
		Mr. Irshad, A.C. to S.C.-1
For the BELTRON	:	Mr. Girjesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Electronics Development Corporation.

The petitioner was hired by the Bihar State Electronics Development Corporation (for short “BELTRON”) and assigned the job of Data Entry Operator, posted at the office of the Circle Officer, Narpatganj, Araria. The District Magistrate, Araria, has remitted back the services of the petitioner to the BELTRON, on the ground that he is indiscipline, not carrying out the work properly and his behaviour is not upto the mark.



Learned counsel for the petitioner submits that this finding has been recorded by the District Magistrate without giving any show-cause and seeking explanation from the petitioner.

Of-course, when an authority is recording some adverse findings, he is required to give show-cause and after receiving and examining the explanation from the person concerned, only then the finding can be recorded against that person.

In such view of the matter, this part of the finding of the District Magistrate, Araria, will be treated to have been expunged and it will not be treated an adverse remark to cause any prejudice in future assignment to the petitioner. Let the BELTRON decide the issue of assignment of the petitioner.

With the aforesaid observations and direction, this writ petition is disposed of.

(Shivaji Pandey, J)

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