

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14751 of 2014

Kabindra Singh son of late Ram Janam Singh resident of village Bardiha, P.S. - Adhaura, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Agricultural, Bihar, Patna.
2. The District Magistrate cum Collector, Kaimur at Bhabua.
3. The District Agricultural Officer, Kaimur at Bhabua.
4. The Sub-Divisional Agricultural Officer, Kaimur at Bhabua.
5. Block Agricultural Officer, Block Adhaura, Kaimur at Bhabua.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan, Advocate
For the Respondent/s : Mr. Rabindra Kumar, AC to AAG 6

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-06-2018

Heard learned counsel for the petitioner and the respondent State.

2. The petitioner who was engaged as an agricultural advisor on a contractual post for specific period has been disengaged on some specific allegation of misconduct by the respondents without issuing show cause notice to the petitioner.

3. Considering the said position, this Court on the petitioner's earlier writ petition bearing C.W.J.C. No. 14184 of 2012 has allowed the petitioner's challenge to the order dated 30.03.2012 issued by the Collector disengaging the petitioner's services on the ground of misconduct and directed for setting aside the petitioner's disengagement. While doing so this Court has allowed the respondents an opportunity to take a fresh action against the petitioner



as is permissible in law.

4. In light of the observations made in the order dated 17.01.2013 passed in C.W.J.C. No. 14184 of 2012 the respondents have proceeded to issue a show cause notice to the petitioner under letter dated 05.09.2013 bearing memo no. 723 issued by the District Agricultural Officer, Kaimur at Bhabua . As a result of the said show cause notice, the petitioner had submitted a detailed show cause and it was received by the District Agricultural Officer on 10.09.2013. The same has been rejected by a cryptic order which is dated 16.09.2013 bearing memo no. 745 and is being impugned in the instant writ petition.

5. The detailed reply of the petitioner's show cause has been rejected assigning a reason "असंतोषजनक है". None of the contentions raised by the petitioner in the show cause have been considered by the respondent authorities. Even the appeal filed by the petitioner before the District Magistrate, Kaimur in Misc. Case No. 53 of 2013-14 has been rejected by order dated 10.01.2014 without considering the specific plea raised by the petitioner.

6. The admitted position is that tenure of the petitioner's engagement on contractual post has come to an end and as such no relief by virtue of a direction to put him back in contractual appointment can be issued even if the orders passed by the District Agricultural Officer and the Collector which is impugned in the



instant writ petition are set aside.

7. The petitioner, at the same time cannot be visited with any civil consequence/stigma on account of the order dated 16.09.2013 bearing memo no. 745 purporting to reject the petitioner's reply to show cause without assigning any reasons.

8. With the aforesaid observations the writ petition is disposed off. The order dated 10.01.2014 passed in Misc. Case No. 53 of 2013-14 shall not attach any stigma on the petitioner for all purposes including his right to be considered for appointment or otherwise in future.

9. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	29.06.2018
Transmission Date	

