

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8981 of 2016

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1. Pankaj Kumar, son of Hari Shankar Singh, resident of village-Sheikhpura Diha, P.O.- Dharaharakala, P.S.- Amnour, District- Saran (Chapra)

2. Jitendra Kumar, son of Sri Laxman Das, resident of village- Bagahi, P.O. and P.S.- Parawna, District- Saran (Chapra)

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Agriculture, New Secretariat, Bihar, Patna

2. The Agriculture Production Commissioner, New Secretariat, Bihar, Patna

3. The District Magistrate, Saran, Chapra

4. The District Agriculture Officer-cum-Member Secretary, Kisan Salahkar Chayan Samiti, Saran, Chapra

5. The Joint Director of Agriculture, Saran Division, Saran, Chapra

6. The Block Selection Committee through its Secretary, Saran, Chapra

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Adv.

For the Respondent/s : Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-03-2018 Heard Mr. Neeraj Kumar, learned counsel for the petitioners and Mr. Manish Kumar, learned AC to AAG-6, for the State.

The petitioners are aggrieved by the order(a) bearing Memo No. 1514 dated 18.12.2015 of the District Agriculture Officer cum Member Secretary, Kisan Salahkar Selection Committee, Saran at Chapra, impugned at Annexures 1 and 2 respectively, whereby the petitioners have been restrained from discharging the duties of Kisan Salahkar having been appointed through a selection process resulting in appointment order bearing Memo No. 720 dated 18.10.2012 at Annexures 8 series.



Learned counsel for the petitioners has invited the attention of this Court to a judgment and order passed by this Court in C.W.J.C.No. 1563/2016 (**Jitendra Kumar & ors. v. the State of Bihar & ors.**) to submit that the identical order when put to question before this Court was quashed on grounds of its mechanical nature as well as on grounds of having been passed in violation of the principles of natural justice, inasmuch as the petitioners and others were never heard before such order was passed. He submits that the order is cyclostyled and except for the names which were inserted through pen, the rest of the recital is identical of all cases. He submits that the judgment and order of this Court passed in the case of **Jitendra Kumar** (supra) was tested by the State before the Division Bench in L.P.A.No. 911/2017 and the judgment has been affirmed, inasmuch as the appeal was dismissed vide judgment and order of the Division Bench passed on 19.2.2018.

The position is not disputed by Mr. Manish Kumar, learned State Counsel.

Having heard learned counsel for the parties and for the reasons so assigned by this Court in the judgment passed in the case of **Jitendra Kumar** (supra) as affirmed in L.P.A.No. 911/2017, the order of the District Agriculture Officer cum



Member Secretary, Kisan Salahkar Selection Committee, Saran at Chapra, bearing Memo No. 1514 dated 18.12.2015, impugned at Annexures 1 and 2 in respect of petitioners no. 1 and 2 cannot be upheld and are accordingly quashed and set aside. The petitioners are restored to their respective post and shall be allowed all consequential benefits.

The writ petition is allowed.

(Jyoti Saran, J)

Surendra/-

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