

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1765 of 2016

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Ijhar Alam S/O Md. Rafi, resident of Mohalla- Mahmood Chowk, Mubarak Lane, Dahiyawan, P.O- Chapra, P.S.- Chapra, Town District- Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The Agricultural Produce Commissioner, Department of Agriculture, Government of Bihar, Patna
3. The Additional Secretary, Department of Agriculture, Government of Bihar, Patna
4. The Joint agriculture Secretary, Saran Division, Chapra.
5. The District Agriculture Officer, Saran at Chapra.
6. The District Agriculture Officer, cum Member Secretary Selection Committee, Saran Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 26-03-2018 Heard Mr. Shashi Shekhar Tiwary, learned counsel appearing for the petitioner. There is no representation on behalf of the State.

The petitioner is aggrieved by the order bearing Memo No. 1513 dated 18.12.2015 of the District Agriculture Officer cum Member Secretary, Kishan Salahkar Selection Committee. Saran at Chapra, whereby the petitioner has been restrained from discharging his duty as a Kishan Salahkar, a copy of which is impugned at Annexure 6 to the writ petition.

Mr. Tiwary, learned counsel for the petitioner, has invited the attention of this Court to a judgment and order passed in C.W.J.C.No. 1563/2016 (**Jitendra Kumar & ors. v. the State**



of Bihar & ors.) to submit that this issue is squarely covered by the judgment and order of this Court, inasmuch as this Court in consideration of a similar order passed in the case of others has quashed the same on its mechanical nature and denial of right of being heard, thus violating the principles of natural justice by the respondents. It is further submitted by Mr. Tiwary that this judgment of this Court has also been affirmed by the Division Bench in L.P.A.No. 911/2017 when intra-Court appeal preferred by the State was dismissed on 19.2.2018.

Having heard Mr. Tiwary and having considered the opinion of this Court passed in the case of **Jitendra Kumar** (supra) which has been affirmed by the Division Bench, it would be a completion of formality for me to quash the order impugned bearing Memo No. 1513 dated 18.12.2015 passed by the District Agriculture Officer cum Member Secretary, Kishan Salahkar Selection Committee. Saran at Chapra, impugned at Annexure 6, and which is accordingly set aside. The petitioner is reinstated on his post with consequential benefits as allowed to the petitioners in C.W.J.C.No. 1563/2016.

The writ petition is allowed on similar terms as in the case of **Jitendra Kumar** (supra).

(Jyoti Saran, J)

Surendra/-

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