

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9113 of 2011**

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Hem Narayan Mishra, son of Late D.N. Mishra, R/O Kaima Shikoh, P.O.  
Patna City, P.S. Chowk, District- Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Department Of Energy,  
Govt. Of Bihar, Patna
2. The Principal Secretary Department of Energy, Govt. Of Bihar, Patna
3. Bihar State Hydroelectric Power Corporation, Through Its Director (P &  
A) Sone Bhawan, Patna
4. Director (P & A), Bihar State Hydroelectric Power Corporation Sone  
Bhawan, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv.  
Mr. Naresh Dikshit, Adv.

For the Respondent/s : Mr. Sushil Kumar Singh, AC to AAG-10

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      05-02-2018                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

The present writ application has been filed on behalf  
of the petitioner for issuance of a writ in the nature of certiorari to  
set aside the order dated 31.03.2011 issued under the signature of  
Director (P&A), Bihar State Hydroelectric Power Corporation by  
which the petitioner is said to have been terminated with effect



from 31.03.2011.

Learned counsel for the petitioner has assailed the impugned order as contained in Annexure-1 alleging that from perusal of the handwritten note on Annexure-4 which is letter dated 10.12.2010 written by this petitioner seeking a clarification as to the period for which he has rendered his service after his retirement, it would appear that the then Managing Director is said to have written that the petitioner should be retained till march, 2012. Learned counsel submits that even though the then Managing Director had made an endorsement that this petitioner should be retained till March, 2012, the petitioner was removed before that date and somebody else was appointed against the post of Assistant Manager (Accounts) which according to the learned counsel is illegal, arbitrary and bad in law.

On the other hand, learned counsel representing the State submits that the petitioner retired from the service of the Corporation with effect from 31.03.2010 which is evident from Annexure-4. It would appear from bare perusal of Annexure-4 that he was retained post-retirement by way of contractual engagement as a stop-gap arrangement till alternative arrangements are made. Learned counsel further submits that mere noting on the letter dated 10.12.2010 written by the petitioner (Annexure-4) on which



the then Managing Director is said to have written that this petitioner should be retained till March 2012 because alternative arrangements were not likely to be made by that time cannot be said to be an office order or communication to the petitioner from the competent authority to retain his service till March, 2012. Learned counsel submits that it is well settled that a mere noting in the file is not an order and in the administrative side unless the order is issued and communicated, this petitioner cannot make any claim in this regard. Moreover in the present case it is apparent that the petitioner was himself aware that his service post-retirement is only till an alternative arrangement is made. In such circumstance, his service was dispensed with on 31.03.2011 vide Annexure-1, there is no illegality or infirmity in the said order.

I find force in the submission of the learned counsel representing the State. The petitioner retired from the service on 31.03.2010. Post-retirement he was there only as stop-gap arrangement till alternative arrangements are made. This fact was made clear to the petitioner and from reading of the Annexure-4 it appears that he was himself aware of the circumstances under which he was asked to work after his retirement. Noting of the then Managing Director on Annexure-4 cannot confer any legal right to this petitioner to claim further engagement.



Writ application is totally misconceived and is accordingly dismissed.

**(Rajeev Ranjan Prasad, J)**

Arvind/-

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