

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13391 of 2010**

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Shiv Dhari Yadav S/o Late Nunu Lal Yadav R/o Vill Boraha,  
P.S.Raniganj, Distt-Araria

.... .... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Panchayati Raj  
Department Govt. Of Bihar, Patna
2. The Director, Panchayati Raj Govt. of Bihar, Patna
3. The District Magistrate Araria
4. The Block Development Officer Palasi, Distt-Araria
5. The District Panchayat Raj Officer Araria
6. The Deputy Collector, Establishment Araria

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Sagar Singh

For the Respondent/s : (SC-10)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

7      21-06-2018                      The present writ petition has been filed for quashing the  
  
order dated 23.07.2010 contained in Memo No. 632 issued by the  
  
respondent no. 3, whereby and whereunder the services of the  
  
petitioner has been terminated.

This Court by an order dated 02.05.2018 had directed  
  
the respondents to produce the records pertaining to the  
  
departmental proceeding to ascertain as to whether any notice  
  
about the enquiry had been given to the petitioner and as to  
  
whether any opportunity was given to the petitioner to participate  
  
in the enquiry and examine the witnesses.

The learned counsel for the respondents has produced



the record and has submitted that from the record it is apparent that no information or any opportunity was given to the petitioner to participate in the enquiry proceedings as well as no opportunity was given to the petitioner to examine any witnesses.

In view of the admitted position that the principles of natural justice has not been followed in the present case, the enquiry report, if any, second show cause notice dated 22.04.2010 and the order of punishment dated 23.07.2010, are hereby quashed.

The writ petition is allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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