

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18694 of 2015

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Mrigendra Dutt Bhardwaj, son of Shri Ramji Mishra, resident of Village- Sirisya,
P.O.- Sasamusa, Police Station- Kuchaikote, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. Engineer-in-Chief (Central), Water Resources Department, Bihar, Patna.
4. Superintending Engineer, Quality Control Division, Siwan.
5. Chief Engineer, Water Resources Department, Siwan.
6. Deputy Director, Scientific Quality Control Division No.4, Siwan.
7. The District Magistrate, Gopalganj.
8. District Programme Officer, Primary Education and Sarve Shiksha Abhiyan, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Advocate
Mr. Avinash Kumar, Advocate

For the Respondent/s : Mr. Raj Kishore Roy, GP 18

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 19-02-2018

The petitioner has challenged the office order dated 04.06.2015 issued by the Chief Engineer, Water Resources Department whereby and whereunder his contractual services as Junior Engineer has been terminated and some recovery has also been directed.

2. The said order is based on letter dated 17.01.2015 issued under the right to Information Act by the District Programme



Officer whereby it is informed that the petitioner was simultaneously working under the Bihar Education Project as Technical Supervisor and drawing pecuniary benefits in the said project. Thus, the authorities have issued the order terminating the petitioner's contractual appointment after issuing show cause notice.

3. The admitted position which emerges from Annexure 10 of the writ petition i.e the information dated 29.05.2015 which is also Annexure F to the counter affidavit filed on behalf of the State, is that the District Programme Officer has later reversed his stand regarding the petitioner being deriving simultaneous pecuniary benefits and working under the Bihar Education Project as communicated earlier in the letter dated 17.01.2015.

4. Under the identical circumstances, this Court while considering the case of said Zahir Khan in C.W.J.C. No. 5529 of 2016 has held that in view of such denial of the District Programme Officer regarding the petitioner working in the said project on contractual appointment in the Water Resources Department, allegations is without any foundation and the order of termination perverse.

5. Similar is the circumstances in the instant case. Here also the District Programme Officer has denied and informed the authorities that the petitioner of this case is not deriving any pecuniary benefits and had not worked in the Bihar Education Project.



6. In view of the aforesaid communication which is Annexure 10 dated 29.05.2015 there is nothing on record before the authorities to substantiate the charge.

7. In view of the aforesaid admitted position, this case is clearly covered by the case of said Zahir Khan which has been allowed by order dated 18.03.2017 passed in C.W.J.C. No. 5529 of 2016.

8. Having considered the aforesaid position, the writ petition is allowed. The order bearing memo no. 1382 dated 04.06.2015 passed by the Chief Engineer, Water Resources Department, Siwan being based on no evidence and lacking application of mind, is hereby quashed and set aside.

9. The petitioner, as a result of quashing of the said order in the instant writ petition shall be reinstated on the post and would be entitled to all consequential benefits.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2018
Transmission Date	

