

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1368 of 2016

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Kishore Kumar Giri, Son of Mukurdhan Giri, resident of Village- Siuri,
P.O.- Patar, P.S.- Asawn, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Siwan.
4. The District Programme Officer (Establishment), Siwan.
5. The Block Development Officer, Andar, P.O. and P.S. Andar, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Satyadeo Kumar- Sc5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 05-07-2018 It appears that there is miscommunication in the instant case and, as such, order dated 07.05.2018 was passed, is recalled.

2. The petitioner is aggrieved by the order dated 31.12.2015 (Annexure-6) whereby at the dictate of the District Programme Officer (Establishment), Siwan vide letter no. 2966 dated 05.10.2015, the services of the petitioner was dispensed with, with immediate effect.

3. On behalf of the respondents stand was taken in the counter affidavit that the decision was taken by the Block Employment Unit. The meeting was convened in the light of the direction of the District Programme Officer (Establishment),



Siwan and the Block Development Officer has simply issued the order of termination in compliance of the direction of the superior authority.

4. In view of the aforesaid, the Court has no option but to quash the order dated 31.12.2015 (Annexure-6), as order was at the dictate of the superior authority is nullity. Reference in this connection is made to the judgment in the case of **Purtabpore Co. Ltd vs. Cane Commissioner Of Bihar & Ors**, reported in **AIR 1970 SC 1896**. However, quashing of the order will not come in the way of the respondents to take decision independently in compliance of the principles of natural justice and fair play. Consequential benefits of quashing of Annexure-6 would depend upon the fresh decision of the respondents in accordance with law.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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