

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16000 of 2010

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UMESH CHANDRA PRASAD S/O SHRI RADHEY SHYAM PRASAD
R/O VILL.- KUDRA BAZAR, DISTT.- ROHTAS

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE PRINCIPAL SECRETARY ANIMAL HUSBANDRY & FISHERY
DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
3. DIRECTOR, ANIMAL HUSBANDRY, BIHAR, PATNA
4. THE REGIONAL DIRECTOR, ANIMAL HUSBANDRY, CENTRAL
RANGE, VETERINARY COLLEGE CAMPUS, PATNA
5. THE DISTRICT ANIMAL HUSBANDRY OFFICER, ROHTAS, SASARAM
6. THE DISTRICT ANIMAL HUSBANDRY OFFICER, NALANDA,
BIHARSHARIF

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. A.B.Ojha, Sr. Advocate
For the Respondent/s : Mr. Sunil Kumar, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 16-08-2018

The present writ petition has been filed for quashing the order dated 29.10.2009 whereby and whereunder the case of the petitioner for reinstatement has been rejected.

2. The brief facts of the case are that the petitioner is stated to have been appointed vide letter dated 31.03.1991, however, after lapse of about seven years, the respondent authorities vide letter dated 28.07.1998 terminated the services of the petitioner on the ground that upon inquiry, his appointment was found to be illegal. The petitioner had then challenged the said order dated 28.07.1998 before the writ court vide C.W.J.C. No. 10174 of 1998 and the said writ petition was allowed vide order dated



23.01.2004 by this Court and the petitioner was directed to be reinstated without any back wages. The said order dated 23.01.2004 was challenged by the State in L.P.A. No. 741 of 2005 and the learned Division Bench of this Court by a judgment dated 05.02.2007 allowed the appeal and directed the Director, Animal Husbandry to examine all the relevant materials and pass a fresh order after giving an opportunity of hearing to the petitioner herein. The learned Division Bench had made the reinstatement of the petitioner herein subject to the final order to be passed finally by the said Director. Thereafter, the Director, Animal Husbandry Department, Patna has passed a speaking and reasoned order dated 29.10.2009, which is under challenge in the present proceedings.

3. The learned senior counsel appearing for the petitioner has submitted that the petitioner should be at least paid the wages for the period he has worked as well as his share of provident fund and other deductions made from his salary.

4. I have heard the learned counsel for the parties and I find that the present case is a case wherein a fraudulent and forged letter of appointment has been issued and in fact, there is nothing on record to suggest that either proper mode of selection and appointment was followed or the petitioner was appointed



against the sanctioned and vacant post. In fact, the Director has also found that all the procedure required to be followed for the purposes of appointment had not been adopted and the petitioner was appointed fraudulently. The Director has further observed that according to the notification of the Personnel & Administrative Reforms Department dated 27.04.1979, 16.03.1982 and 18.03.1985, no appointment was to be made and there was a restriction on any further appointment, hence, on this ground, as well as the appointment of the petitioner made on 31.01.1991, is illegal. In any view of the matter, the order of the Director, Animal Husbandry Department dated 29.10.2009 is fully justified in law and the petitioner has not been able to controvert the facts mentioned therein.

5. In such view of the matter, there is no merit in the present writ petition, hence, the same is dismissed, however, the respondents are directed to pay the statutory deductions made from the salary of the petitioner, if not already paid.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2018
Transmission Date	NA

