

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5594 of 2017

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Ajeet Kumar Sinha Son of late Yamuna Lal, Resident of Village- Commissionerary Bazaar , P.S. Sheikhpura, District- Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar, through the District Magistrate, Sheikhpura.
2. The Chief Medical Officer cum Civil Surgeon, Cum Member Secretary District Health Committee Sheikhpura.
3. The In-charge Medical Officer, Primary health Centre, Araria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Srivastava, Advocate.
For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs -

“(i) For issuance of an appropriate writ/writs in the nature of certiorari for quashing of the letter no. 306 dated 31.03.2017 (Annexure-7) passed by respondent no. 3 i.e. the In-Charge Medical Officer, Primary Health Centre, Ariari whereby and whereunder he has given order the petitioner to deposit Rupees 3,83,820/- otherwise F.I.R. will be registered against the petitioner. The said order has been passed in a most arbitrary manner without giving show cause/notice to the petitioner which violate the principle of natural justice and also against the terms of agreement dated 01.10.2016 (Annexure-2).



(ii) The respondent be directed to make payment the deduction amount from October, 2016 to December, 2016 as the petitioner has regularly supply the power through generator in Primary Health Centre, Ariari and Primary Sub Centre Ghuskri as per agreement.

(iii) For that the direction to the Respondents to allow the petitioner in tender process in view of tender notice dated 21.02.2017 in the District of Sheikhpura relating to out sourcing services to different hospitals of Sheikhpura District. As the petitioner being eligible participated in the said tender along with security amount on 24.02.2017 but his tender was not accepted by the respondents, which is not permissible in the eye of law.

(iv) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case."

3. Learned counsel for the petitioner has specifically taken the plea that the impugned order dated 31.03.2017 has been passed without service of show cause notice and without grant of any opportunity of being heard in the matter. It is, therefore, submitted that such order cannot be sustained in law as it is in violation of the fundamental principles of natural justice.

4. None appears on behalf of the respondents when the matter is called.

5. In the above view of the matter, the impugned order dated 31.03.2017 (Annexure-7) is hereby set aside with a direction to the In-Charge Medical Officer, Primary Health Centre, Ariari



(respondent no. 3) to issue an appropriate show cause notice, if so advised, and grant a reasonable opportunity of hearing to the petitioner before passing orders afresh.

6. It is made clear that the petitioner shall be entitled to raise all points including his grievances with regard to wrongful deduction from October, 2016 to December, 2016 before the respondent no. 3.

7. It is made clear that in case the stand of the petitioner denying non-service of show cause notice prior to order of termination being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

8. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.03.2018
Transmission Date	N.A.

