

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7463 of 2018

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Rajeev Kumar, son of Lal Bbu Sharma, resident of Village- Mehandia, P.O.
Pokhariya Rai, P.S.- Champatia, Distt.- West Champaran at Bettiah.

... .. Petitioner

Versus

1. The State of Bihar, through Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Upper Mission Director, Bihar Administrative Reform Mission Society, General Administrative Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector West Champaran, Bettiah.
4. The Senior Deputy Collector -cum- Incharge Officer, District General Section West Champaran, Bettiah.
5. The Deputy Collector, District Establishment West Champaran, Bettiah.
6. The Deputy Collector, District Nazarat, West Champaran, Bettiah.
7. The District Arms Magistrate, West Champaran, Bettiah.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. P.K. Sahi, Senior Advocate
Mr. Akhilesh Kumar, Advocate
For the Respondent/s : Mr. Anil Kumkar, A.C. to S.C.-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 11-07-2018

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

2. In this case, the petitioner was appointed on
contract basis and while he was discharging the duty, it was
found that he was involved in several misdemeanour.
Whereafter, the petitioner was given a show-cause. The reply of



the petitioner was considered by the authority and found that the same was not satisfactory, that led to his disengagement from the service.

3. Learned counsel for the petitioner has tried his best to persuade this Court that it is required a full fledged inquiry and the manner the petitioner has been proceeded cannot be treated that he was given proper opportunity to defend his case.

4. Admittedly, the petitioner was appointed on contract basis. There is no dispute that he will not be governed by the provision of Article-311 of the Constitution of India, but it has to be seen that there should be a fair action on the part of the disciplinary authority before disengaging the service of the petitioner. When the authority received several complaints, which was recorded in the show-cause, the petitioner was asked the explanation, his explanation has been dealt with properly by application of mind and the explanation of the petitioner was not found to be satisfactory, so it cannot be said that the order is completely non-speaking or cryptic in nature, but it gives the details of the facts and reasons for non-acceptance of the explanation filed by the petitioner.

5. The principle of natural justice cannot be put to



caste an iron rule, but it depends on facts and circumstances of each case. It does not require full fledged inquiry for a person who has been appointed on contract basis as he will not be governed either by Article-311 of the Constitution of India or by Bihar Government Servants (Classification, Control and Appeal) Rules, 2005. In such circumstance, the fairness that has been adopted by the employer cannot be said that they have not taken proper steps in terms of the natural justice and the action cannot be said to be illegal.

6. In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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