

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9016 of 2019**

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Jagdish Prasad Sinha, D.O.B. 16.6.1950, S/o Late Indra Lal Singh, R/o Village- Chinia Bela, P.S. Punpun, Distt.-Patna Superannuated from the post of Surveyor Cum In-Charge Junior Engineer, Investigation and Planning Division, Gandak Area Development Agency, Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources department, Old Secretariat, Sichai Bhawan, Government of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Old Secretariat, Sichai Bhawan, Government of Bihar, Patna
3. The Principal Secretary, Department of Finance, New Secretariat, Government of Bihar, Patna
4. The Director, Water and Land Management Institute (BALMI), Phulwari Sharif, Patna
5. The Superintending Engineer, Command Area Development Directorate, Water resources Department, Old Secretariat, Sichai Bhawan, Bihar, Patna
6. The Superintending Engineer, Command Area development Circle, Combind Building, Muzaffarpur.
7. The Executive Engineer, Command Area Development Division, Chhapra, District-Saran

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Jai Prakash Verma, Advocate |
| For the Respondent/s | : | Mr.Vinay Kriti Singh ( Ga2 )   |
|                      |   | Mr. Vinay Kumar Pandey         |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      18-12-2019                      Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the present writ application is that the Principal Secretary, Water Resources Department has passed the order against the petitioner without providing any opportunity of hearing to him.

Mr. Vinay Kumar Pandey, learned counsel appearing



for the respondents submits that similar issue was considered by a Coordinate Bench of this Court in C.W.J.C. No. 11320 of 2002 and after considering the entire aspect of the matter, the Court directed the respondents to take fresh decision after providing opportunity of hearing. The decision of the learned Single Judge has been upheld by the Division Bench of this Court in L.P.A. No. 590 of 2007 and analogous appeals.

Considering the fact that similar issue was considered by a Coordinate Bench of this Court in C.W.J.C. No. 11320 of 2002, which was affirmed by the Division Bench in L.P.A. No. 590 of 2007 and analogous cases, the impugned order as contained in Annexure-13 is quashed. The matter is remitted back to the respondents to provide opportunity of hearing to the petitioner and pass fresh order.

With the aforesaid, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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