

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1044 of 2018**

**In**

**Civil Writ Jurisdiction Case No.11223 of 2014**

=====

Santosh Kumar Roy Son of late Rajendra Prasad Roy resident of village -  
Motipur, Post - Mahuawan, P.S. - Kateya, District - Gopalganj.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department, Govt. of Bihar,  
Patna.
3. The District Magistrate, Siwan.
4. The Deputy Development Commissioner-Cum-Chief Executive Officer,  
District Rural Development Agency,
5. Sri Ravikant Tewari, presently posted as Deputy Development  
Commissioner-Cum-Chief Executive Office

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.Shubh Narain Singh, Adv.  
For the Respondent/s : Mr.Anjani Kumar -AAG-4

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      22-11-2019                      Heard learned counsel for the appellant and  
  
Additional Advocate General for the respondents.

We find the petitioner to have instituted the writ  
  
petition confined only to the following prayers:

(I) For necessary direction to the respondent  
authorities to grant protection to the Petitioner under the  
provisions of Whistle Blowers Protection Act, 2011, as the  
petitioner is being subjected to an enquiry by the respondent  
No.5 for raising a voice against his illegal act, in as much as



the contract of the Petitioner's service has already been terminated in an arbitrary and illegal manner, a criminal case has also been lodged against him and now, the respondent No.5 intends to implicate the Petitioner in plethora of criminal cases.

(ii) For restraining the respondent No.5 from conducting any enquiry against the Petitioner as he intends to victimize the Petitioner for raising his voice against him.

(iii) For necessary direction to the respondent authorities to conduct an enquiry upon the allegations leveled by the Petitioner against respondent No.5 through appropriate agency of the Govt.

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Bare perusal of the impugned judgement reveals that the issue with regard to the employment and engagement of the petitioner was considered by the learned Single Judge which was not the main prayer in the writ petition.

Learned Additional Advocate General states that the petitioner has been rightly held not to be in employment as the contract stood terminated.

Learned counsel for the petitioner/appellant, however, clarifies that the prayer was confined only the ones reproduced hereinabove.

As such, on this short ground alone, without expressing any opinion on merit, we set aside the impugned



judgement dated 3.7.2018 and remit the matter back restoring the petition to its original number to be listed before the appropriate Bench.

**(Sanjay Karol, CJ)**

**( Dinesh Kumar Singh, J)**

K.C.Jha/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

