

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13407 of 2019

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Priyadarshini Shrutika, daughter of Late Arun Kumar Chaudhary, resident of K-32, Peoples Co- Operative Colony, Hanuman Nagar, Police Station- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the District Magistrate, Patna.
2. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The Chairman -cum- Managing Director, the Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager, (H.R. and Admin.) Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The Bihar State Power Transmission Company Limited, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tej Narayan Singh, Advocate
For B.S.P.H.C. Ltd	:	Mr. Ranjit Sinha, Asst. Standing Counsel
For the State	:	Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-07-2019

The petitioner is aggrieved by the order dated 29.04.2019 passed by the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna contained in Memo No. 1030 whereby the services of the petitioner as Assistant Electrical Engineer has been terminated with immediate effect on the ground that at the time of



appointment, the petitioner had offered wrong statement with respect to her caste. It was found by the employer that the declaration of the petitioner that she hails from Scheduled Caste was found to be wrong. An enquiry was held in which it was found that she does not belong to Scheduled Caste; rather she hails from the Other Backward Class.

2. An explanation was called for from the petitioner to which she replied.

3. On such explanation and on the basis of the enquiry which was conducted by the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, it was found that the declaration of the petitioner was patently false. Thus, taking a serious view of the matter and in view of the declaration made by the petitioner at the time of filling of her form that any wrong statement with respect to her caste and category would lead to rejection of her claim for being appointed and Rule 11 of the Bihar State Electricity



Board Service Rules, 1976 indicating that any statement made at the time of employment, if found to be false, would render such appointment *void ab initio*, dismissed the petitioner from service.

4. The learned advocate for the petitioner has drawn the attention of this Court to an order passed in the year 1993 by a Bench of this Court in C.W.J.C. No. 4704 of 1985 holding that the father of the petitioner hails from Schedule Caste. From the representation made by the petitioner, it does not clearly appear whether this order was placed before the Chairman-cum-Managing Director of the Bihar State Power (Holding) Company Limited. If Arun Kumar Chaudhary, in whose favour the order was passed in the aforesaid C.W.J.C. No. 4704 of 1985, this ought to have been considered by the respondent/Chairman-cum-Managing Director before coming to any conclusion with respect to the candidature of the petitioner and her declaration being treated as false.



5. For the aforesaid reasons, the order dated 29.04.2019 passed by the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited is put in abeyance and the petitioner is directed to make a representation before the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited (respondent No. 3) afresh bringing on record every evidence in support of the fact that she hails from the Schedule Caste which she had declared in her form and on receipt of such representation, the Chairman-cum-Managing Director shall pass a reasoned order in accordance with law after considering the aforesaid evidence adduced on behalf of the petitioner.

6. It would be open for the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited to consider the feasibility of giving a personal hearing to the petitioner before passing an order.

7. The entire exercise be concluded within a



period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid observation/direction, the writ petition stands disposed of.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10/07/2019

