

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16195 of 2019

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1. Sanjay Kumar Singh S/o Sri Tipan Prasad Singh Resident of Village Chainpurwa, PO Narawan, PS Awatar Nagar, District Saran at Chapra.
 2. Vijay Kumar S/o Late Ramdeo Das Resident of Mohalla Gola Road, Ward No.17, PO and PS Daud Nagar, Dist.Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Minor Water Resources Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Minor Water Resources Department, Govt. of Bihar, Patna
4. The Deputy Secretary, Minor Water Resources Department, Govt. of Bihar, Patna
5. The Chief Engineer, Minor Water Resources Department, Muzaffarpur, Govt. of Bihar, Patna
6. The Executive Engineer, Minor Irrigation Division, Hajipur, Dist. Vaishali at Hajipur.
7. The District Magistrate-cum-District Election Officer, Vaishali at Hajipur, District Vaishali at Hajipur
8. The Deputy Election Officer, Vaishali at Hajipur, Dist. Vaishali at Hajipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Respondent/s : Mr. Ajit Kumar (GA-9)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2019 Heard the counsel for the parties.

The petitioners, who are contractual employees and are serving as Junior Engineers in Minor Water Resources Department and who at the relevant time were posted in Minor Irrigation Division, Hazipur have



been removed from service by terminating their contracts.

It has been submitted on behalf of the petitioners that their services under the contract was extended to the age of superannuation of regular employees, provided they kept on rendering satisfactory services.

During the election time, it has been alleged that they did not perform the duties assigned to them properly and hence were given a show cause notice which they had replied.

It has been submitted on behalf of the petitioners that the order dated 10.06.2019 which is under challenge and which terminates the contract of the petitioners to work as Junior Engineer is absolutely non-speaking.

A plain perusal of the order impugned does not indicate any reason whatsoever. In fact, from the reading of the impugned order, this Court is not in a



position to fathom as to what was the charge and what was replied by the petitioners against the charge. How the aforesaid reply of the petitioners to such charge was found to be unsatisfactory is also not stated.

It is high time that the authorities in public office realize the need to pass reasoned orders. Such orders which are not informed are capable of being misunderstood. If an order is subject and amenable to judicial scrutiny, such non-speaking orders would serve no purpose.

For the reason of the order being completely non-speaking, the same cannot be sustained in the eyes of law and hence, the same is quashed.

The matter is remitted to the Joint Secretary, Minor Water Resources Department, Bihar, Patna (respondent No. 3) who shall pass a fresh order in accordance with law with reasons. Needless to state that the explanation offered by the petitioners shall also be taken into account before passing any order. The order



as directed shall be passed within a reasonable period of time, preferably within a period of sixty days of the receipt of such representation along with a copy of this order.

For the sake of convenience of the parties as also for the respondents, it would be appropriate to accept any further representation by the petitioners if it is offered on their behalf. Whether the work shall be taken from the petitioners during the period that a final order is passed would depend upon the decision of the concerned authority.

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

(Ashutosh Kumar, J)

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