

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16599 of 2019

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Md. Haider Ali, S/o Md. Gulam Sarwar, Resident of Village- Billu Kiran
Store, Rampara, Wared No.24, Post- Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Human Resource Department Govt. of Bihar, Patna.
2. The Commissioner-Cum-Secretary, Human Resource Department, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The District Program Officer, Establishment, Education, Katihar.
5. The Block Development Officer, Azamnagar Block, Katihar.
6. The Block Education Officer, Azamnagar Block, Katihar.
7. The Mukhiya, Panchayat Raj, Harinagar, Block Azamnagar Katihar.
8. The Panchayat Secretary, Panchayat Raj, Harinagar, Katiahr.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr.Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-08-2019 Heard learned counsel for the petitioner and the respondents.

On the ground of parity, the Court is constrained to dispose of the writ application, as similar matter was considered and disposed of by a Co-ordinate Bench of this Court in C.W.J.C. No. 4377 of 2019 on 07.05.2019 in the similar terms.

The relevant part of the order is quoted herein below:

“This Court finds that the basic fundamental rule of service jurisprudence demands that appropriate show cause notice should have been issued to the petitioner in compliance of the principles



of natural justice, before resorting to cancellation of his appointment, even if regular departmental proceeding was not required to be resorted to. However, admittedly in the present case, no show cause has been issued to the petitioner, hence the impugned order dated 21.12.2018 has been passed without complying with the principles of natural justice, thus is *non est* in the eyes of law.

Having regard to the facts and circumstances of the case, the present writ petition is allowed and the order dated 21.12.2018, cancelling the appointment of the petitioner herein, passed by the Panchayat Secretary, Panchayat Raj Harnagar, is quashed, however with liberty to the respondent-authorities to proceed afresh in accordance with law.

It is needless to state that consequential benefits would abide by the fresh proceedings to be initiated by the respondent- authorities and the conclusion reached at by them in those proceedings. It is further directed that the aforesaid proceedings which are required to be drawn against the petitioner herein, be so drawn and concluded within a period of six months from today, failing which the petitioner shall be entitled to payment of salary right from the date of cancellation of his appointment i.e. w.e.f. 21.12.2018, till date.”

(Anil Kumar Upadhyay, J)

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