

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20672 of 2018

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1. Lakshman Prasad Baitha, son of Late Prahlad Baitha, Resident of village-Pakri, P.S.-Baruraj
2. Ramnath Sharma, son of Late Jagnath Sharma, Resident of Village-Mubarakpur, P.S.-Manjhi, District-Saran.
3. Narendra Singh, son of Late Ramayan Singh, Resident of Village-Bangra, P.S.-Daudpur, District-Saran.
4. Mahesh Ram, son of Late Bochai Ram, Resident of Village-Reva Dih, P.S.-Saraia, District-Muzaffarpur.
5. Baacha Pratap Singh, son of Late Ram Chabila Singh, Resident of Village-Mane, P.S.-Ekma, District-Saran.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Director, Land Records and Measurement Directorate, Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The District Collector-cum-Settlement Officer, Saran at Chapra.
5. The District Collector-cum-Settlement Officer, Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioners	:	Mr. Ansul Ms. Priyanka Singh Mr. Javed Aslam Mr. Anuj Kumar
For the Respondents	:	Mr. Sajid Salim Khan- SC-25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3. 18-05-2021 The matter has been taken up for hearing *on-line* because of COVID-19 Pandemic restrictions.

Pursuant to a process of selection undertaken by the respondents, the petitioners were selected for appointment as Amin on contractual basis in 2013. They had joined their service in the district of Saran. Subsequently, they were deputed in the settlement office of Madhepura district. It appears that in the backdrop of certain complaint against them, the Collector,



Madhepura, had returned their services to the Collector, Saran, on the basis that their services were not satisfactory and recommended termination of their contract. The petitioners were thereafter not allowed to work, since 21.06.2017.

In the background of the above noted facts, the present writ application has been filed seeking direction to the respondents to allow them to work as Amins and mark their attendance. They are also seeking a direction to regularize payment of their salary etc.

Mr. Ansul, learned counsel appearing on behalf of the petitioners, has drawn this Court's attention to the communication dated 16.06.2017 issued by the Collector-cum-Settlement Officer, Madhepura, to the Collector-cum-Settlement Officer, Saran, wherein their conduct has been recorded to be suspicious and accordingly recommendation has been made for termination of their contract. He has referred to the response of the Collector-cum-Settlement Officer, Saran, to the aforesaid communication dated 16.06.2017, which has been brought on record by way of Annexure-5 to the writ application to submit that the Collector, Saran, was of the view that there were no adequate materials mentioned in the letter dated 16.06.2017 for taking any action against the petitioners.



Mr. Ansul has not been able to point out any material to satisfy this Court that the petitioners had any right to continue even after completion of their period of contract. He has, however, submitted that the findings recorded in the communication dated 16.06.2017 (Annexure-4) are stigmatic, without giving the petitioners any opportunity of hearing and explaining their case.

Mr. Sajid Salim Khan, learned S.C.-25 representing the State of Bihar has submitted the petitioners cannot claim any right to continue after expiry of the term of contract.

Though I find force in submission made on behalf of the State of Bihar that the petitioners do not have any right to continue after completion of the term of the appointment, I am of the view that the findings recorded by the Collector, Madhepura, in his letter dated 16.06.2017 do contain adverse remarks against the petitioners, without giving them adequate opportunity of hearing.

In the facts and circumstances, as noted above, this writ application is disposed of with an observation that no finding, recorded in the communication dated 16.06.2017, shall be treated to be stigmatic against the petitioners for any purpose whatsoever including for their future employment either on



contractual or permanent basis.

This writ application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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