

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9867 of 2020

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Ramanand Ray Son of Kamleshwari Ray Resident of Matiyara Tola,
Sikandarpur, P.S.- Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Agriculture Department, Bihar, Patna.
2. The Director, Agriculture, Bihar, Patna.
3. The Joint Agriculture Director-cum-Controller, Weights and Measure, Bihar, Patna-cum-Conducting Officer.
4. The Director Administration-cum-Additional Secretary, Agriculture Department, Bihar, Patna.
5. The Principal Secretary, General Administration Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

5 14-12-2021 Heard the parties.

In the instant petition petitioner has prayed for
following reliefs:

- i. For quashing the order contained in Memo No. 562 dated 29.08.2019 issued by the respondent Director Agriculture, Bihar, Patna whereby and where under the petitioner has been visited with the punishment of dismissal from the services under Rule-14 of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.
- ii. For quashing the order contained in Memo No.313 dated 08.05.2020 passed by the respondent Secretary-Cum-Appellate Authority whereby and where under the



appeal preferred by the petitioner against the order of dismissal dated 29.08.2019, has been rejected.

- iii. For declaration by this Hon'ble Court that the order of dismissal passed by the Director Agriculture is without jurisdiction and nullity in the eye of law in view of resolution no. 511 dated 22.02.2011 of General Administration Department and follow up letter no.1496 dated 19.05.2020 issued by the Secretary, Agriculture Department whereby the different pay scale has been placed in Group-B (Kha) for which the competent authority (authority competent to take decision is the departmental minister through Principal Secretary/Secretary).
- iv. For direction to the respondent authorities to reinstate the petitioner in services with all consequential monetary benefits.
- v. For any other relief/ reliefs for which the petitioner is found entitled to.

One of the question for consideration is relating to competency of the authority. In an identical matter in CWJC no.4132/2020 deciding on 02.12.2021 question of in competent authority jurisdiction has been decided. The same principle is applicable to the case in hand and it is not disputed by the learned counsel for the State.

Accordingly, the petitioner has made out a case hence orders 08.05.2020 and 29.08.2019 are set aside in the light of decision rendered in CWJC No.4132/2020 dated 02.12.2021. The concerned disciplinary authority is hereby directed to take



note of further direction issued in the aforesaid decision and
proceed in accordance with law.

Accordingly, the present petition stands disposed of.

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(P. B. Bajanthri, J)

Vikash/amitkumar

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