

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13964 of 2021

Sanjay Kumar Mehta S/o Madhu Sudan Prasad Mehta Resident of Village
Madhopur, P.O. Banauli (Madhopur), P.S.-Simari, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The Special Secretary, Department of Revenue, Govt. of Bihar, Patna.
4. The Joint Secretary, Department of Revenue, Govt of Bihar, Patna.
5. The Commissioner, Darbhanga Commissioner, District -Darbhanga.
6. The Collector, District-Darbhangha.
7. Additional Collector (Est), District-Darbhangha.
8. The Circle Officer, Anchal-Singhwara, District-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Mishra, Advocate
For the Respondent/s : Mr.Sajid Salim Khan, SC 25

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

Date : 14-12-2021

In the instant petition, petitioner has prayed for the following
relief/reliefs:

“a) For issuance of an appropriate writ in the nature of certiorari quashing and set aside the order dated 13.11.2020 passed by the learned Circle Officer Singhwara Anchal, District -Darbhanga (respondent no. 8) where under and whereby the petitioner was terminated from his service who was daily wages driver of said Anchal.

b) A writ in nature of mandamus or any other appropriate writ directing to the respondent to regularize/permanent service of the petitioner as a permanent driver and provide all benefit as per Bihar Service Code.

c) Any other appropriate writ/ order or direction as your Lordship may be deem fit and proper.”



Petitioner is a temporary employee. His services have been terminated on certain allegations as is evident from the order of termination dated 13.11.2020 (Annexure-2). Such order of termination is without holding domestic enquiry and not even show cause notice has been issued as to why the petitioner's services shall not be terminated. Therefore, petitioner has made out a *prima facie* case that he has not been provided an opportunity of his say on those allegations stated in the order of termination.

Accordingly, Annexure-2 dated 13.11.2020 stands set aside reserving liberty to the respondent to initiate domestic enquiry after giving ample opportunity to the petitioner to say on the allegations.

Such procedure shall be completed within a period of three months from the date of receipt of this order and petitioner shall be taken back to duty forthwith and extend all financial benefits. Financial benefits shall be paid to the petitioner while calculating from the date of termination till reinstatement within a period of two months from the date of receipt of this order.

With the above observations, writ petition is allowed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2021
Transmission Date	NA

