

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1949 of 2021

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Raj Kumar Sinha Son of Late Balram Prasad Resident of Subhash Nagar,
Salahi Factory to Dhaka Road, P.S.-Town, Motihari, District-East Champaran.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Deputy Secretary-Cum-Director, Urban Development and Housing Department, Government of Bihar, Patna.
5. Nagar Parishad, Motihari through the Executive Officer,
6. The Executive Officer, Nagar Parishad, Motihari.

... .. Respondent/s

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Appearance :

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

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

7 14-12-2021 Heard the parties.

In the instant petition petitioner has prayed for
following relief:

- a. For quashing of Office Order contained in Letter No. 1808 dated 01.10.2020 issued by the Executive Officer, Nagar Parishad, Motihari whereby and where under petitioner has been removed from service of Tax Collector without initiating any departmental proceeding and giving proper opportunity of hearing to the petitioner.
- b. For quashing of office order contained in Memo No. 1809 dated 01.10.2020 by which after removal of petitioner, the Executive Officer, Nagar Parishad, Motihari has deputed three persons in Ward No. 37, 38 & 29 as Tax Collector in which petitioner was working as



Tax Collector.

- c. For direction to the respondent authorities to allow the petitioner to continue as Tax Collector in Nagar Parishad, Motihari.
- d. For any other relief/reliefs for which the petitioner is found entitled too.

Perusal of impugned order dated 01.10.2020 it is evident that in hurriedly the respondents have taken a decision to remove the petitioner from service since notice is stated to have been issued on 28.09.2021 without awaiting for the petitioner's explanation. In fact, petitioner had submitted his explanation dated 01.10.2020 on Annexure-15. The same has not been appreciated or considered therefore Annexure-A1 is treated as one more notice to the petitioner.

Learned counsel for the petitioner is hereby directed to furnish his further explanation within a period of one week from the date of receipt of this order. On receipt of petitioner's explanation, competent authority is hereby directed to proceed to pass order in accordance with law.

Accordingly, the present petition stands allowed in part.

(P. B. Bajanthri, J)

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