

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17107 of 2019

Sanjay Kumar Son of Bhuneshwar Das, Resident of Mohalla-Girihinda, Ward No.-19, Police Station-Sheikhpura, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sheikhpura.
3. The District Welfare Officer, Sheikhpura.
4. The Deputy Development Commissioner, Sheikhpura.
5. The Circle Officer, Sheikhpura.
6. The Officer-in-Charge, Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Md. Raisul Haque (Sc10)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 25-11-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:

“That this writ application is being filed for issuance of appropriate writ or writs, order or orders, direction/directions for setting aside the order dated 10.09.2016 contained in Memo No. 785 issued by the District Magistrate, Sheikhpura whereby and where under the selection of the petitioner as Vikash Mishra has been cancelled and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

3. Undisputedly, the petitioner has a statutory remedy of appeal. The same has not been exhausted apparently for the



reasons that Annexure-12 is non-speaking order. In fact, the petitioner was served a notice as to why his order of appointment shall not be cancelled. It seems that petitioner has submitted his explanation to such a notice. The same are not reflected in the impugned order of termination dated 10.09.2016 vide Annexure-12. In other words, the impugned order of termination is non-speaking order. At this stage, it is relevant to take note of that once respondents have issued notice asking the explanation of the petitioner and on receipt of petitioner's explanation it was bounden duty to pass speaking order after due consideration of explanation. These ingredients are not forthcoming from the order, in the result, petitioner has made out a case. Accordingly, Annexure- 12 is set aside.

4. The petition is allowed reserving liberty to the respondent-competent authority to pass speaking order after due consideration of the records on receipt of explanation to the show cause notice, if any and communicate the decision to the petitioner within a period of two months.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	02.12.2021
Transmission Date	

