

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9437 of 2021

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Kusum Kunwar Wife of Late Babunand Ram Resident of Village-
Shankardih, P.O.- Sara, P.S.- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Chief Engineer, Central Design, Research and Quality Control, Water Resources Department, Patna.
3. Superintending Engineer, Quality Control (Irrigation Creation) Circle, Patna.
4. The Executive Engineer, Quality Control (Irrigation Creation) Division, Nalanda (Biharsharif).
5. Shri Krishna Kumar Singh Son of not known to the petitioner, presently posted as Head Clerk, Sone Canal Division, Bikramganj (Rohtas).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harshvardhan Shivsundaram
For the Respondent/s : Mr. Anjani Kumar, AAG-4

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

Date : 29-04-2022

Heard learned counsel for the respective parties.

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

*“1. That by filing this application the
petitioner craves kind indulgence of this
Hon’ble Court for grant of following
reliefs:-*

*(i) To issue appropriate direction,
order or writ in the nature of Certiorari*



quashing the office order issued by the Chief Engineer, Water Resources Department, Dehri vide memo no. 5455 dated 09.12.2005 by which service of the petitioner against the post of peon was wrongly terminated without issuing any show cause notice.

(ii) To issue appropriate direction, order or writ in the nature of Certiorari quashing the letter no. 102 dated 01.02.2019 issued by the Chief Engineer, Central Design, Research and Quality Control, Water Resource Department, Patna by which representation of the petitioner for reinstatement of her service has wrongly been rejected.

(iii) To issue appropriate direction, order or writ in the nature of Mandamus commanding the respondents to reinstate the service of the petitioner with effect from the date of termination i.e., 09.12.2005 with payment of full back salary and other consequential service benefits.

(iv) To grant any other relief or reliefs to which the petitioner is entitled for.”

On 17.02.2022 the following order was passed:

“The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.



Learned counsel for the State accepts notice for respondent nos. 1 to 5.

Respondent no.2 is hereby directed to file an affidavit as to whether any enquiry/show-cause notice has been ordered and conducted before the next date of hearing. Copy of this order shall be served to learned counsel for the State so as to enable him to file affidavit.

List this case on 21.03.2022.”

On 01.04.2022, the following order was passed:

“The matter is heard through video conferencing.

To comply the order dated 17.02.2022, re-list this matter on 18.04.2022, failing which 2nd Respondent-Chief Engineer, Central Design, Research and Quality Control, Water Resources Department, Patna will appear in person along with complete records.”

Perusal of the affidavit filed of behalf of the concerned respondent, it is evident that impugned action is without hearing the petitioner. On this count, the impugned orders dated 09.12.2005 and 01.02.2019 stands set aside.

Accordingly, the present petition stands allowed, reserving liberty to the concerned authority to take action, if any



and if it is warranted, such action shall be taken in accordance with relevant provisions of law. The concerned authority is hereby directed to extend all monetary benefits to the petitioner within three months from the date of receipt of this order.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2022
Transmission Date	NA

