

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20281 of 2014

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Deepak Kumar S/o Late Prakash Chandra Gupta, Resident of Ward No. 10,
Ashram Road Raxaul, P.O. P.S.- Raxaul, District- East Champaran Motihari,
Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Social Welfare Department, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme I.C.D.S., Bihar, Patna
3. The District Collector, East Champaran Motihari
4. The District Programme Officer, East Champaran Motihari
5. The Child Development Officer, Ramgarhwa, East Champaran Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Kumar, Advocate
For the Respondent/s	:	Mr. Ashok Kumar Keshari, AAG 11 Md. Khurshid Alam, AAG 12

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 12-04-2022

Heard learned counsel for the parties.

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

“a) A certiorari setting-aside the order dated 11.09.2014 contained in memo no. 2702 passed by the Respondent District Magistrate, East Champaran, Motihari whereby and where under the petitioner has arbitrarily and illegally been terminated from the post of Executive Assistant, Child



Development Office Ramgarhwa on the basis of malicious recommendation of respondent C.D.P.O. Ramgarhwa.

b) A mandamus commanding the respondent authorities to reinstate the petitioner on the post of Executive Assistant (Data Entry Operator) for C.D.P.O. Office, Ramgarhwa (East Champaran) and allow him to continue on that post till his superannuation.

c) A mandamus commanding the respondent authorities to make payment of arrears of salary of the petitioner for which he was remained in continuous working on that post.

d) Any other writ/writs for granting any other relief(s) for which the petitioner is found entitled to in the facts and circumstances of the present case.”

3. Short question for consideration is whether petitioner should be subjected to domestic enquiry before his termination from the post of Executive Assistant on contract basis with reference to the date of termination as 11.09.2014 or not?

4. Undisputedly, petitioner was appointed on contract basis to the post of Executive Assistant for the period of one year from 18.02.2012 which was extended up to 04.03.2014. Thereafter, there was no extension. In the absence of extension, petitioner was working. The petitioner was alleged to have committed nuisance in the office and the aforesaid incident was stated to have been committed on 23.01.2014. In the light of these facts and circumstances, petitioner is not entitled for notice or



enquiry for the reasons that as on 11.09.2014 petitioner was not in service as per the records. His tenure was completed on 04.03.2014 itself. Hence, no interference is called for.

5. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.04.2022
Transmission Date	

