

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 164 of 2018

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Devjani Kar Wife of Jaydeep Kar, resident of A 82, Amrawati Apartment,
Police Station- Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Scheduled Caste and Schedule Tribe Welfare Department, Government of Bihar, Block No 4, 02nd Floor, Behing Sinchai Bhawan, Old Secretariat Campus, Patna
2. Bihar Mahadalit Vikas Mission, Sachivalaya Vistarikaran Bhawan, Old Secretariat, Patna.
3. Mission Director, Bihar Mahadalit Vikas Mission, Sachivalaya Vistarikaran, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms Archana Sinha, Advocate

For Respondent No 3 : Mr Rakesh Narayan Singh, Advocate

For the State : Mr Gyan Prakash Ojha, GA VII

Mr Uday Shanker Pandey, AC to GA VII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 20-09-2022

Heard learned counsel for the petitioner, learned counsel for the Mission as well as the learned counsel for the State.

2 Petitioner is aggrieved by termination of her contractual appointment. It is submitted that since the same takes into consideration some allegations levelled against her and



lodging of case by the Vigilance Investigation Bureau, the order is stigmatic and could not have been passed without giving the petitioner an opportunity of hearing. It is further submitted that the stigmatic order based, merely on a show cause, is unsustainable.

3 Learned counsel for the Commission submits that the action has been taken under Clause 8 of the Contract under which the petitioner was appointed which reads as follows:

“8. This appointment can be terminated by the mission by giving the employee one month’s notice to the mission in writing or payment of one month’s remuneration in lieu thereof. The employee may also terminate his/her appointment by giving one month’s notice to the mission in writing or on payment of one month’s remuneration in lieu thereof. The mission may also terminate this agreement in the event of 7 days or more continuous unauthorized absence from duty.”

4 The facts have been noted in the impugned order just to substantiate the action against the petitioner.

5 In view of the stand taken by the Respondent-Commission, this Court would observe that no stigma would be attached to the petitioner by virtue of the impugned order dated 06.12.2017, since the allegations have been noted only to substantiate the action. Since the action has been taken in



accordance with the procedure prescribed in Clause 8 of the Contract, the order does not require any interference otherwise.

6 This writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2022
Transmission Date	NA

