

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15368 of 2021

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Kameshwar Sharma Son of Kokay Sharma, resident of Village - Bherdhari,
P.O. Roop Nagara, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Deputy Collector Establishment, District Collectorate Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Harsh Anuj, Advocate
For the Respondent/s	:	Mr Dhurendra Kr, AC to GP V

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-08-2022

It is submitted that counter affidavit has been filed electronically on 23.08.2022. Hard copy of the same is being taken on record.

2 Heard learned counsel for the petitioner and the respondents.

3 The petitioner's regular services on Class IV post in the office of the District Magistrate, Saharsa has been terminated by decision dated 17.09.2020 bearing Memo No 995. The basis for this action, manifest from the decision, is submission of forged documents. The order, however, is not preceded by any enquiry in accordance with law and by one order, the services of six persons,



including the petitioner, has been terminated. The petitioner's name figures at Serial No 1. The persons, whose name figures in Serials No 6 and 2, had also approached this Court by filing *CWJC No 2246 of 2021*. This Court, taking note of the fact that the order is not preceded by an exercise showing compliance of principles of natural justice, has set aside the same termination order dated 17.09.2020, which is impugned in the instant writ petition.

4 Learned State Counsel filed a counter affidavit and submitted that the termination is in accordance with law as the educational testimony documents, submitted by the petitioner, were found to be forged and since the joining of the petitioner was subject to a condition that in case of any irregularity being found, the services would be liable to be terminated.

5 The issue, which arises in the instant writ proceedings, is that before coming to a conclusion that joining was on the basis of any forged documents or certificates, whether principles of natural justice was required to be complied or not? The answer undoubtedly is that the conclusion was required to be preceded by an exercise showing compliance with the principles of natural justice, which, admittedly, has not been done. That being so, this Court would observe that the petitioner's case is covered by the



decision in the case of *Md Niyamat & Another -Versus- State of Bihar & Others (CWJC No 2246 of 2021)* wherein the termination of two others, effected by the same order dated 17.09.2020, was set aside.

6 This writ petition, therefore, must succeed. The impugned order dated 17.09.2020 bearing Memo No 995, issued by the District Magistrate, Saharsa in so far as the petitioner is concerned, is hereby quashed.

7 Writ petition is allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2022
Transmission Date	NA

