

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2246 of 2021

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1. Md. Niyamat Son of Late Munsii Miyan Resident of Village Sapha Baijnathpur, P.O. Gamhariya, P.S. Sour Bazar, District- Saharsa, Earlier Office Peon, District Establishment Cell Saharsa.
 2. Kumod Sharma Son of Late Ram Prasad Sharma Resident of Village Bherdhari Ward No. 37 P.O. Roopnagar District Saharsa, Earlier Office Peon, Circle Office- Banma Itahari (Saharsa).

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3
		Ms. Neelam Kumari, AC to SC 3

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

Date : 07-04-2022

Heard learned counsel for the parties.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“That this is an application for issuance of an appropriate writ(s), order(s) or direction(s) for quashing of the part of the order dated 17.09.2020 issued vide Memo No. 995 by which the respondent no. 2 has terminated service of the petitioners from the post of newly appointed Office Peon of the respondents giving the reasons that the produced educational certificate is forged/fabricated.”

3. The petitioners’ services have been terminated on the allegations that they had furnished false/fake documents at the



time of selection and appointment to the Class IV post. Such termination order is behind the back of the petitioners. In other words, before the District Magistrate, Saharsa come to the conclusion that petitioners have furnished fake documents. The petitioners have not been heard with reference to the report stated to have been collected by the District Magistrate, Saharsa.

4. Accordingly, *prima facie* petitioners have made out a case on the short ground that it is in violation of principles of natural justice. Hence, termination order dated 17.09.2020 stands set aside.

5. Petitioners shall be taken back to duty forthwith with all monetary benefits. Reserving liberty to the competent authority to initiate enquiry and complete within a period of four months from the date of receipt of this order.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	08.04.2022
Transmission Date	

