

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.589 of 2022

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1. Naresh Prasad Singh Son of Late Jatta Singh, Resident of Village Jurawanpur, P.S.- Jurawanpur Karari, District - Vaishali.
 2. Prabhu Mahto, Son of Late Yamuna Mahto, Resident of Village - Balargadda, P.S.- Katkam Sandi, District - Hazaribagh, Jharkhand.
 3. Yogendra Prasad, Son of Late Ramgati Singh, Resident of Village - Dakshin Ekauna, P.S.- Utwant Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

1. That State of Bihar through the Principal Secretary Road Construction Department Government of Bihar, Patna.
2. The Secretary, Road Construction Department Govt. of Bihar, Patna.
3. The Secretary (Expenditure) Finance Department Government of Bihar, Patna.
4. The Superintending Engineer, Road Construction Department Road Construction Circle, Darbhanga.
5. The Executive Engineer, Road Construction Division Rosera at Dalsingsarai, District - Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman
For the Respondent/s : Mr.Syed Iqbal Ahmad (SC20)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-01-2023 Heard learned counsel for the parties.

Petitioners have filed this writ petition for following
reliefs:-

“(A) For issuance of appropriate writ/ order or direction quashing the order issued under memo No. 1626 dated 04.09.2021 by the respondent No.4 by which the first time bound promotion granted to the petitioners in the year 2018 has been cancelled as contained in Annexure-4 to this writ application.



(B) For issuance of appropriate writ/ order or direction quashing the order issued under memo No. 913 dated 15.09.2021 by the respondent No.5 by which the first time bound promotion granted to the petitioners in the year 2018 has been cancelled as contained in Annexure-5 to this writ application.

(C) For issuance of appropriate writ/ order or direction commanding the respondents not to make any recovery from the petitioners on the basis of said orders contained in Annexure-4 & 5 issued by the respondent No.4 and 5 respectively.

(D) For any other relief or reliefs for which the petitioners are found entitled in the opinion of this court”.

Learned counsel for the petitioners makes a short submission to the effect that the impugned orders (Annexure-4 & 5) whereby first time bound promotion granted to the petitioners in the year 2018 has been cancelled, have been passed without issuing any show cause notice or giving opportunity of hearing to the petitioners which is in violation of principles of natural justice.

Learned counsel for the respondents does not controvert the aforesaid submission.

Considering the rival submission of parties and on going through the records, it is not in dispute that order impugned has been passed without issuing any show cause



notice or giving any opportunity of hearing to the petitioners which is in violation of principles of natural justice as well as of statutory provisions.

In that view of the matter the impugned orders issued under memo No. 1626 dated 04.09.2021 by the respondent No.4 (Annexure-4 to the writ petition) and under memo No. 913 dated 15.09.2021 by the respondent No.5 (Annexure-5 to the writ petition) are hereby set aside and the matter is remitted to consider the matter afresh and after giving opportunity of hearing pass a reasoned and speaking order within a period of four months from the date of receipt/production of a copy of this order.

This writ petition stands disposed of in aforesaid terms.

(Prabhat Kumar Singh, J)

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