

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.22 of 2022

1. The State of Bihar through Chief Secretary, Bihar, Patna
2. The Director, Agriculture Department State of Bihar, Patna
3. The Joint Director, Agriculture Department State of Bihar, Patna
4. The Principal Secretary, Agriculture Department, Government of Bihar, Patna
5. The Additional Director (Shayashya), Government of Bihar, Patna
6. The Joint Director, Agriculture Department, Purnia
7. The District Magistrate, Araria
8. The District Agriculture Officer, Araria
9. The District Horticulture Officer, Araria
10. The Circle Officer, Araria District- Araria

... .. Appellant/s

Versus

Santosh Kumar Yadav Son of Gayanand Yadav Resident of Village- Ganjhali Gang, Police Station- Kurusakanta, District- Araria, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarvesh Kr. Singh, AAG-13
Mr.Aryaachint, AC to AAG-13
Mr.Ranaveer Parwar, AC to AAG-13

For the Respondent/s : Mr.Girish Chandra, Advocate
Mr.R.K.Rajesh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 09-01-2023

In the present appeal, appellant has prayed for the following reliefs:-

“ a) For that through an appropriate writ or writs quash the order



dated 25.05.2018 issued under the signature of principle secretary, Agriculture Department State of Bihar (Respondent no-4) in connection with Appeal No.-1 of 2018 (As contained is Annexure-6) where by and where under the selection of petitioner on the post of Kisan Salahkar has been cancelled and further direction has been given to remove from their posts by way of illegality in malafide, arbitrary and whimsical manner to unconstitutional and against principles of natural justice & fair play.

b) For that further direction may be given to not make any hindrance in the service rendered by petitioner by the respondent authorities who taken steps by way of illegality as against the petitioners who has joined on such post at the age of above 18 on (majority) but steps taken with non application of judicial mind and beyond the order of Hon'ble High Court passed in C.W.J.C No14409 of 2011 in its true spirit and attitude.

c) For that the direction may be given to initiate independent inquiry against the respondent authorities so concerned who has unable to hold the such responsible posts and proceeded arbitrarily through misusing his power and violative of natural justice against the petitioners are affecting the administration of justice and rule of law.

d) For that the reasonable compensation and litigation cost may be imposed against the respondent authority so concerned, which your lordship may deem fit and proper in the interest of justice of law.

e) For that any relief or reliefs may be given to the petitioner as you Lordship may deem fit and proper in this matter in the interest of justice to the petitioner.”

Respondent-Santosh Kumar Yadav was stated to have been appointed as a Kisan Salahkar on 21.02.2011 his services



were terminated on 25.05.2018 on the score that he is alleged to be minor as on the date of his initial appointment on 21.02.2011. Before order of termination the concerned authority has failed to issue show cause notice and proceeded to hold minimum domestic enquiry in order to prove that respondent-Santosh Kumar Yadav was minor as on 21.02.2011 or as on the last date of submission of application for the post of Kisan Salahkar or not? Apex Court in the case of **Esteem Properties Pvt. Ltd vs. Chetan Kamble** reported in **2022 (4) Scale 284** held that administrative order if it affects the person's right, in that event he is entitled to formal issuance of notice and other formalities. Perusal of the records and it is admitted fact that no enquiry has been held against the respondent insofar as proving the alleged allegations relating to the fact that he was a minor as on the date of his initial appointment to the post Kisan Salahkar as on the last date of submission for the post of Kisan Salahkar.

Appellants have not made out a case so as to interfere with that order of termination however, they are at liberty to initiate enquiry and proceed in accordance with law within three months from the date of receipt of this order.

To the above extent order of learned Single Judge dated 28.06.2021 passed in CWJC No. 5213 of 2019 is modified.



Learned counsel for the appellant-State is hereby directed to furnish copy of the LPA paper to learned counsel for the respondent-Mr. R.K.Rajesh.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2023
Transmission Date	NA

