

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1398 of 2022

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Munna Kumar Singh son of Sadhu Sharan Singh, Resident of Village-
Sohagpur, Police Station-Hathua, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Sub Divisional Public Grievance Redresal Officer, Hathua, District-Gopalganj.
5. The Sub Divisional Officer, Hathua, District-Gopalganj.
6. The Sub Divisional Police Officer, Hathua, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pritish Ranjan
For the Respondent/s : Mr.Md. N.H. Khan (Sc1)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-01-2023 Heard learned counsel for the petitioner and the

State.

This writ petition has been filed by the petitioner
for granting following reliefs :-

“(i) for passing a writ in nature of *Certiorari* or any
other writ or order bearing Memo No. 308 dated
17.02.2021 issued by respondent no. 2/District
Magistrate, Gopalganj, whereby respondent no. 2
has terminated his service by way of terminating
the bond of petitioner who was Home Guard
having Member No. 221327 on the



recommendation of the Sub-Divisional Officer, Hathua and the Sub-Divisional Police Officer, Hathua.

(ii) for passing a writ in nature of Mandamus or any other writ, order or direction to the respondent authority to reinstate the petitioner on the post of Home Guard.

(iii) for passing a writ in nature of Mandamus or any other writ, order or direction to the respondent to pay all the consequential benefit after resuming in service for the period of termination of service till the joining or resuming the service.

(iv) to any other relief/reliefs to which the petitioner is entitled for and the Hon'ble Court deems fit and proper.”

Learned counsel for the petitioner makes a short submission to the effect that petitioner has been terminated from the post of Home Guard without giving any opportunity of hearing and without any show-cause which is against the principal of natural justice.

Counsel for the State does not dispute the contention of the petitioner.

It is not in dispute that order of termination has been passed without hearing the petitioner. It is settled law that no person should be punished unheard.

Considering the aforesaid facts and circumstances,



the order bearing Memo No. 308 dated 17.02.2021 issued by respondent no. 2/District Magistrate, Gopalganj is hereby set aside with liberty to respondents to move afresh after giving opportunity of hearing to the petitioner and pass a reasoned and speaking order within a period of three months from the date of receipt/production of a copy of this order.

(Prabhat Kumar Singh, J)

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