

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11206 of 2015

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Ram Naresh Mandal S/o late Khobari mandal resident of village- Maksudpur,
P.S. Minapur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The Gandak Command Area Development Agency At P.O. and P.S. Muzaffarpur, district Muzaffarpur, through its Chairman -cum-regional Area Development Commissioner.
2. The Chairman -cum-regional Area Development Commissioner , the Gandak Command Area Development Agency at P.O. and P.S. Muzaffarpur, district Muzaffarpur
3. The Secretary, The Gandak Command Area Development Agency at P.O. and P.S. Muzaffarpur, district Muzaffarpur
4. The executive Engineer, Investigation and Planning Division Anwesana Awam Yojana Pramandal Gandak command Area Development Agency, Motihari, District-East Champaran.
5. The Assistant Engineer Yojana Gandak command Area Development Agency Muzaffarpur
6. The Assistant Engineer-Cum-Sub Divisional Officer, Investigation and Planning Sub-Division, (Anwesana Awam Yojana Awar Pramandal) Gandak command Area Development Agency, Chiraiya, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For GADA	:	Mr.Satish Chandra Jha, Advocate
		Mr.Shambhoo Kumar Suman, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-09-2023 1. The present writ petition has been filed seeking the

following relief(s):-

“1(A) For issuance of a writ in the nature of certiorari or any other appropriate writ, or order/s, direction quashing the order dated 19.01.2015 contained in letter no. 56 dated 22.01.2015 whereby and whereunder the respondent no. 5 has reported that after enquiry



the date of birth of the petitioner has been found to be 11.01.1955 and accordingly he would be retired on 31.01.2015 and requested the respondent no. 4 to act accordingly although the aforesaid so called enquiry is completely an ex-parte enquiry without providing any opportunity of hearing to the petitioner.

(B) For issuance of a writ in the nature of mandamus or any other appropriate writ, or order/s, direction:-

I. To hold the annexure- 5 to be nullity and non-est in the eye of law.

II. To hold that the date of birth of the petitioner is 01.01.1956 which has been entered into the service book of the petitioner after due enquiry and the same cannot be changed by an ex-parte enquiry by the respondent no. 5 and also without passing any consequential order for correction of date of birth of the petitioner in his service book.

III. To allow the petitioner to discharge his duty treating 01.01.1956 as his date of birth.

IV. To hold that the respondents have wrongly treated the petitioner to have been retired with effect from 31.01.2015 and they have wrongly



prevented the petitioner to discharge his duty.

V. To give all consequential benefit to the petitioner.”

2. At the outset, the learned counsel for the parties are in agreement that since no opportunity of putting forth his defense has been granted to the petitioner, the Superintending Engineer, Command Circle, Muzaffarpur, shall issue a show-cause notice to the petitioner, within a period of four weeks of receipt/ production of a copy of this order, detailing therein the allegations levelled against the petitioner so as to enable him to put forthwith his defense, whereafter the petitioner shall file his show cause reply within a period of four weeks and then the Superintending Engineer, Command Circle, Muzaffarpur, shall consider the reply of the petitioner and pass a reasoned and a speaking order, in accordance with law, forthwith.

3. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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