

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20422 of 2011

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SANJAY KUMAR Son Of Sri Lala Prasad Roy Resident Of Lalmuni Sadan,
Trimurti Nagar Danapur, Police Station-Danapur, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Agriculture, Government Of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Agriculture Officer, Government Of Bihar, Patna.
5. The Joint Agriculture Director, Government Of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bindhyachal Singh, Sr. Advocate
		Ms. Nikita Mittal, Advocate
For the Respondent/s	:	Mr.Virendra Kuer, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-02-2023 Heard Ms. Nikita Mittal, learned AC to Mr. Bindhyachal Singh, learned senior counsel, for the petitioner and Mr. Virendra Kuer, learned AC to GP-10 for the State.

Petitioner in the present case is seeking the following
reliefs:-

“(i) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the order contained in letter no.3877 dated 16.09.2011 issued under the signature of the District Agriculture Officer, Patna, whereby the employment of the petitioner on the post of Subject Matter Specialist was cancelled and accordingly the contract was also revoked.

(ii) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondents to reinstate the petitioner on the post of Vishay Bastu Specialist with all consequential benefits.

(iii) For holding that the termination of the petitioner and revocation of his contract of employment without following the procedure prescribed by law is absolutely illegal and unsustainable.



(iv) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner has taken this Court through the impugned order as contained in Annexure- ‘6’ to the writ application. It is submitted that Annexure- ‘6’ is a stigmatic order and has been issued without giving any opportunity of hearing to the petitioner. Learned counsel submits that such order is likely to have a civil consequence and affect the petitioner in many ways.

It is further submitted that so far as the engagement of the petitioner is concerned, vide letter no.1140 dated 29.04.2010 issued under the signature of the District Agriculture Officer, Patna, the petitioner was engaged as subject matter specialist on contract basis on a fixed honorarium of Rs.5000/- per month. His engagement was extendable up to maximum period of two years. By virtue of Annexure- ‘1’ he could have continued till 28.04.2012, if otherwise not removed in terms of the scheme of engagement as contained in Annexure- ‘7’ to the writ application. Learned counsel submits that, at this stage, the petitioner would be satisfied if Annexure- ‘6’ is set aside and this Court makes it clear that Annexure- ‘6’ shall not come in the way of the petitioner in seeking his future engagement/employment.

Learned counsel for the State has though opposed this writ application but has not disputed that before issuing Annexure- ‘6’ to the writ application the principle of natural justice has not been complied with.



In the given circumstances, this Court is of the considered opinion that the impugned order as contained in Annexure- '6' cannot sustain the test of law and is liable to be set aside. Accordingly, the impugned order (Annexure-6 to the writ application) is set aside.

This Court makes it clear that it will not come in the way of the petitioner in seeking any future engagement/employment.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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