

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15612 of 2015

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Amrendra Kumar Atri Son of Triyogi Narain Singh resident of Bypass Road
Mahisauri, P.S. and District - Jamui

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Rural Development Department, Government of Bihar, Patna.
2. The Chief Engineer, Rural Work Department, Government of Bihar, Patna
3. The Superintending Engineer, Rural Work Department, Circle Officer, Munger
4. The Executive Engineer, Rural Work Department, Work Division, Sheikhpura
5. The Assistant Engineer, Rural Work Department, Sheikhpura
6. The Junior Engineer, Engineer, Rural Work Department, Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate
For the Respondent/s : Mr. Prabhat Kumar, AC to GA-11

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

Date : 11-05-2023

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:-

"1. That this writ application is being filed by the petitioner for quashing the letter No. 1296 dated 20.7.2015 (Annexure-10) issued by the Executive Engineer (Respondent No. 4) Rural Work Department, Work Division Sheikhpura by which petitioner work agreement No. 02 PMGS 4/2012-13 has been terminated and further issued appropriate writ/writs, order/orders,



direction/directions to the concern respondents as your Lordships may deem fit and proper in the interest of justice."

3. During pendency of the present petition, petitioner has filed I.A. No. 8155 of 2015 insofar as challenging Annexure-12 dated 08.09.2015. On 20th July, 2015, petitioner's contract were terminated and on 08.09.2015 security deposit/EMD was forfeited.

4. Perusal of both the documents it is evident that petitioner has not been heard in the matter. Even though show cause notice is stated to have been issued, however there is no consideration of petitioner's reply. Assuming that he has not filed his reply, in that event impugned orders must have disclosed that the petitioner has not filed his reply. On this point, both the orders are silent.

5. In view of these facts and circumstances, both the orders dated 20.07.2015 (Annexure-10) and 08.09.2015 (Annexure-12) are set aside. The present writ petition stands allowed reserving liberty to the concerned respondent/competent authority to proceed in accordance with law after giving a specific notice on both the issues and on receipt of petitioner's explanation proceed to pass speaking order after due consideration of petitioner's reply.



6. The competent authority is hereby directed to take note of Apex Court's decision *UMC Technologies Pvt. Ltd. vs. Food Corporation of India and Another*, reported in (2021) 2 SCC 551 read with *Isolators and Isolators through its Proprietor Mrs. Sandhya Mishra Vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd & Another* reported in 2023 LiveLaw (SC) 330 (para 34) before taking further action in the matter. The above exercise shall be completed within a period of four months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.05.2023
Transmission Date	N.A.

