

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.330 of 2022

1. Md. Asif Naushad Son of Md. Nausad Alam Resident of Village- Belgali, Road No.1, Old Karimganj, P.S.- Civil Line, District- Gaya.
2. Jay Prakash Narayan Son of Raj Nath Mahto Resident of Mohalla-Prakashkunj, Shashtri Nagar West, Road No.11, P.S.- Gaya, District- Gaya.
3. Khurshid Rabbani Son of Late Gulam Rasool Resident of Village- Gwal Bigha, P.S.- Rampur, District- Gaya.
4. Kumar Nath Upadhyay Son of Late Rajendra Upadhyay Resident of Village-Pandarak, P.S.- Pandarak, District- Patna.
5. Md. Firoj Son of Md. Salim Resident of Mohalla- Gondapur, P.S.- Nawada, District- Nawada (Bihar).
6. Md. Maksud Alam Son of Md. Gulam Rasool Resident of Village- Rupin, P.S.- Fatehpur, District- Gaya.
7. Kaushal Kishore Son of Late Kishori Mohan Resident of Village and P.O.- Ghatera, P.S.- Guraru, District- Gaya.
8. Raj Kumar Das Son of Late Dular Chand Das Resident of Village- Manjha, P.O.- Teusha, P.S.- Antari, District- Gaya.
9. Shivram Singh Son of Late Vijay Singh Resident of Village and P.O.- Law, P.S.- Tekari, District- Gaya.
10. Gopal Das Son of Late Bhagwan Das Resident of Village- Silaunga, P.S.- Belaganj, District- Gaya.
11. Anil Kumar Pandey Son of Late Daya Shankar Pandey Resident of Village-Peepalpanti, Rang Bahadur Road, P.O.- R.S. Gaya, P.S.- Kotwali, District- Gaya.
12. Ritik Kumar Son of Ashok Kumar Akela Resident of Village- Gwal Bigha, P.S.- Rampur, District- Gaya.
13. Rohit Kumar Son of Late Narendra Kumar Singh Resident of Danapur, P.S.- Danapur, District- Patna.
14. Jainendra Kumar Prabhat Son of Late Shiv Nandan Prasad Resident of Village- Mohanpur (Kundilpur), P.O.- Nagwan (Pathra), P.S.- Imamganj, District- Gaya.
15. Ravi Ranjan Son of Late Ganaur Ram Resident of Village- Kujapi, P.S.- Chandauti, District- Gaya.
16. Gunjan Kumar Son of Late Upendra Singh Resident of Village- Malathiya, P.O.- Bishunpur, P.S.- Wazirganj, District- Gaya.
17. Pintu Kumar Son of Late Pradeep Kumar Singh Resident of Village- Shamir Takiya, Durga Asthan, P.O.- Chand Chaura, P.S.- Rampur, District- Gaya.
18. Dheeraj Kumar Gupta Son of Late Nand Kishore Prasad Resident of Village-Brahm Sarobar Talab, P.O.- Chand Chaura, P.S.- Vishnupad Gaya, District- Gaya.
19. Ashish Verma Son of Late Tarkeshwar Prasad Verma Resident of Mohalla-New Godown Rajendra Path, Gaya, P.S.- Kotwali, District- Gaya.



20. Shivendra Pratap Son of Late Vijay Pratap Resident of Mohalla- Kendui, Near Surya Mandir Gaya, P.O.- Kendui, P.S.- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance and Administrative Reforms, Government of Bihar, Patna.
2. The Joint Director, Agriculture Census Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Joint Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Secretary, General Administrative Department, Government of Bihar, Patna.
5. The Divisional Commissioner, Gaya Division, Gaya.
6. The District Collector, Gaya, District- Gaya.
7. The Additional District Collector, Gaya, District- Gaya.
8. The S.D.O./D.C.L.R., Gaya, District- Gaya.
9. The Anchal Adhikari (Mohra), District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 13-01-2023 **I.A. No. 1/ 2022**

The instant interlocutory application has been filed on behalf of the petitioners for adding the prayer in the writ petition to set aside the subsequent order contained in Memo No. 2077 Est. Gaya dated 30.12.2021 whereby petitioners have been directed to join the post of Lower Division Clerk changing their cadre from Revenue Clerk.

Considering the submissions made by the parties, I. A.



No. 1/2022 stands allowed and the same shall form part of this writ petition.

Heard learned counsel for the parties.

Petitioners have filed this writ petition for following reliefs:-

“(A) A certiorari setting aside the office order contained in Memo no. 327(4) rev. dated 07.09.2021 issued by Respondent/ Joint Secretary, Department of Revenue and Land Reforms Department of Revenue and Land Reforms, Govt. of Bihar (Annexure-7) whereby and whereunder a general direction has been issued to all the District Collectors of Bihar for reappointing/ reverting the petitioners who were already appointed on the post of Revenue Clerk on compassionate ground, under another cadre of aboriginal rank in recommended grade pay, though most of them had been appointed even prior to the issuance impugned directions by the respondent authorities concerned.

(b) A certiorari setting aside the letter No. 5318 (Rev) dated 06.12.2021 issued by respondent Addl. Collector, Gaya for modifying the recommendation of appointments of the petitioners reverting/ reappointing them under another cadre on recommended post through compassionate appointment committee in aboriginal rank, instead of Revenue Clerk though some of them had been working more than 30 long years and are at the verge of their superannuation.

(c) A mandamus commanding/ restraint the respondent authorities concerned from interfering with the initial appointment of the petitioners on the post of Revenue



Clerks, and to allow the petitioners to continue on that post and pay them salary and other admissible allowances for the said post of Revenue Clerk during their service period for which they are legally entitled to in view of the policy decisions of the Respondent-State.

(d) Any other writ/ writs for granting any other reliefs for which the petitioners are found entitled to in the facts and circumstances of the case”.

Submission of the petitioners is that without issuing any show cause notice or giving opportunity of hearing the petitioners have been reverted from the post of Revenue Clerk to the post of Lower Division Clerk.

The aforesaid submission of the petitioners has not been disputed by the respondents.

Having heard the submissions of the parties and on going thorough the records, it is apparent that before passing the impugned order the petitioners were not provided any opportunity of hearing and on this ground alone the petitioners have made out a case.

Accordingly, the present petition stands allowed while quashing the impugned order contained in Memo No. 2077 Est. Gaya dated 30.12.2021 (Annexure- A to I.A. No. 1/ 2022) reserving liberty to the official respondents to proceed in accordance with law within a period of three months from the



date of receipt of this order after giving due ample opportunity of hearing to the petitioners.

Petitioners are at liberty to file detailed explanation as and when notices were issued to them.

With the aforesaid observation/ direction, this writ petition stands allowed.

(Prabhat Kumar Singh, J)

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