

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18001 of 2022

Atiqur Rahman S/o Late Md. Nezamuddin Ansari resident of Mohalla- Apna Gharana, New Millat Colony, Sector- 03, Phulwari, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary-Cum-Chairperson Infrastructure Development Authority, Patna.
3. The Additional Chief Secretary, Department of Industries, Govt. of Bihar, Patna.
4. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Managing Director, Infrastructure Development Authority, Patna.
6. The Director (Administration), Infrastructure Development Authority, Patna.
7. The Director (Programme Implementation), Infra Structure Development Authority, Patna.
8. The Executive Engineer (Technical)-Cum-Engineer-in-Charge, Infrastructure Development Authority, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Verma, Advocate Mr. Sunil Kumar Verma, Advocate Mr. Amresh Kumar Mishra, Advocate Mr. Anish Kumar, Advocate Ms. Smriti Verma, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, A.G. Mr. Pawan Kumar, AC to A.G. Mr. Manish Dhari Singh, AC to A.G. Mr. Vikash Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-01-2023 Petitioner has prayed for the following relief(s):-

“(i) Issuance of appropriate an writ(s)/order(s)
/direction(s) declaring and holding therein section 8



of the Bihar State Infrastructure Development Enabling Act, 2006 contained in Chapter-II incorporating Establishment, Conduct of Business and Employees of the Infrastructure Development Authority as un-just, unfair, un-reasonable, inequitous and ultravires the mandate and spirit of Article 14 of the constitution of India which strikes arbitrariness and discriminatory treatment and lack of transparency and further for being an enactment of mischief, un-certainty and silence in so far as the service conditions and contemplation and formulation of the frame work in the skeletal form for governing the Master-Servant/Employer-Employee relationship including the rights and liabilities inter-se in the matter of service disputes are concerned.

(ii) Further issuance of an appropriate writ(s)/order(s)/ direction(s) declaring thereunder clause(a) and sub clause (iv) of clause (b) of Regulation No.1.4 dealing with termination of service which is contained in part-II incorporated under the head 'service Regulations and procedures. of the IDA (financial Service and Technical) Regulations, 2007 as grossly violative of the equitable, fair and constitutionally uniform and accountable principle/provision of law as contained in Article-14 of the Indian Constitution which subsists in the constitution of weed out elements and instances of arbitrariness, discriminatory treatment, mischief and irrationality at the hands of the state and its instrumentalities in the background of complete silence and absence of provision and space



reasonable and established way of conducting departmental/service/employment enquiry before passing the final order of termination.

(iii) Further issuance of an appropriate writ in the nature of certiorari quashing thereunder the order of termination 20.10.22 passed against the petitioner by in-charge/officiating Managing Director, Infrastructure Development Authority, Patna notified vide the office order contained in memo no.3546/Legal dated 21.10.2022 issued by the the Director (Administration) Infrastructure Development Authority, Patna in view of the order of termination dated 20.10.22 by the Principal Secretary, Department of Industries, Govt. of Bihar, Patna officiating as the In-charge, Managing Director, Infrastructure Development Authority, Patna being ex-parte and in the midst of pendency of a writ application being CWJC No. 14286/22 filed by the petitioner before this Hon'ble Court dated 12.09.2022 challenging therein the order of the Appellate Authority dated 04.08.2022 in part as also the notice dated 16.08.2022 issued by the Director, Administration Infrastructure Development Authority, Patna asking the petitioner to appear in connection with further hearing without accepting the joining of the petitioner on the post of Assistant Engineer (Technical) with effect from 13.08.2022 which is the date of submission of joining

(iv) Further issuance of a writ in the nature of Mandamus commanding the Respondent State Authority/Authorities to re- instate the petitioner in the service of the Infrastructure service Development



Authority, Bihar, Patna on the post of Assistant Engineer (Technical) since the date of 1st Termination dated 04.06.2022 (which was quashed by the Appellate Authority under the order dated 04.08.2022) with all consequential including the benefits and right entitlement of the petitioner to be appointed and retained under the said Infrastructure Development Authority till the petitioner reaches the age of 60, being the age of superannuation by virtue of the office order contained in Memo No.506/Admin dated 22.02.2022 issued by the Managing Director, Infrastructure Development Authority, Patna.

(v) Any other relief/reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, finding the Bench not to be in favour of the submissions made across the bar, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to the appropriate authority, venting out the grievances, subject-matter of the present petition.

It is the employer who has to enact the relevant provisions and, in the attending facts and circumstances, the



Court cannot issue Mandamus to such effect.

Liberty, as prayed for, is granted.

As and when any such proceeding is initiated, the same shall be considered and decided expeditiously in accordance with law.

Liberty reserved to the petitioner to pursue the writ petition already preferred assailing the order affecting his condition of service as also the order of dismissal passed by the competent authority.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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