

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.476 of 2023

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Rajesh Kumar Gupta, Son of Ram Sakal Gupta, Resident of Village Chandi,
P.O. Sikandarpur, P.S. G.B. Nagar, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Chief Executive Officer (Jeevika)-cum-Mission Director, Lohiya Swachchh Bihar Abhiyan, Bihar, Patna.
4. The Project Manager-ODF-S Cell Lohiya Swachchh Bihar Abhiyan, Siwan.
5. The District Magistrate-cum-Collector, Siwan.
6. The Deputy Development Commissioner, Siwan.
7. The District Panchayati Raj Officer, Siwan.
8. The District Project Manager (Jeevika), Siwan.
9. The Block Development Officer, Barharia, District Siwan.
10. Md. Hasmat Ali, Son of Abdul Hasan, Resident of Village Dumari, P.S. G.B. Nagar, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate
For the Respondent/s : Mr.Sanjay Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner and the State.

Petitioner in this case is aggrieved by and dissatisfied with the order as contained in Annexure-3 issued vide memo no.2368-III dated 04.11.2019 by the Block Development Officer, Barharia whereby and whereunder he has terminated the employment of the petitioner along with others for the alleged disobedience and non-compliance with the directions



issued to them.

At this stage, learned counsel for the petitioner has raised a solitary ground for setting aside the impugned order. It is submitted that the impugned order is stigmatic and it makes an allegation against the petitioner but prior to issuance of the impugned order, terminating the employment of the petitioner, no opportunity of hearing was given to the petitioner. Learned counsel, therefore, submits that the impugned order, as contained in Annexure-3, is in the teeth of principles of natural justice and the same is liable to be set aside.

Learned counsel for the State is present and has opposed the writ application. It is submitted that the petitioner was employed on voluntary basis and he has no right of employment.

Be that as it may, having regard to the fact that the impugned order, as contained in Annexure-3, is stigmatic but no opportunity of hearing has been given to the petitioner, this Court is of the considered opinion that the impugned order cannot sustain the test of law on the ground of violation of principles of natural justice. The impugned order is, therefore, set aside.

In case, the Block Development Officer, Barhariya is



of the opinion that a fresh order is required to be passed, he will be at liberty to do so but before passing any adverse order against the petitioner an opportunity of hearing be given to him.

This writ application is disposed of.

(Rajeev Ranjan Prasad, J)

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