

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.55 of 2022

In
Civil Writ Jurisdiction Case No.16599 of 2019

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1. The State of Bihar through Director, Human Resource Department Govt. of Bihar, Patna.
 2. The Commissioner-Cum- Secretary, Human Resource Department, Government of Bihar, Patna.
 3. The District Magistrate, Katihar.
 4. The District Program Officer, Establishment, Education, Katihar.
 5. The Block Development Officer, Azamnagar Block, Katihar.
 6. The Block Education Officer, Azamnagar Block, Katihar.
 7. The Mukhiya, Panchayat Raj, Harinagar, Block Azamnagar, Katihar.
 8. The Panchayat Secretary, Panchayat Raj, Harinagar, Katihar.

... .. Appellant/s

Versus

Md. Haider Ali Son of Gulam Sarwar Resident of Village- Billu Kiran Store, Rampara, Ward No. 24, Post- Katihar, District- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Usha Kumari Singh (A.C. To S.C.13)
For the Respondent/s	:	Mr. Ranjan Kumar Dubey, Advocate
		Mr. Shashank Kashyap, Advocate
		Mr. Kumar Gaurav, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

12 05-09-2024 The petitioner has challenged the Annexure-1 (termination of service). The petitioner's specific contention was that there was absolutely no notice received. Admittedly, there was also no disciplinary proceeding initiated against him.



2. The contention of the Government was that his appointment itself was illegal.

3. Learned Counsel for the writ petitioner, however, submits that the Annexure-1 was with respect to government money having been drawn despite absence from the post in which the petitioner was working and not his illegal appointment.

4. In the appeal, specifically by paragraph-6, it has been averred that the Panchayat Secretary had issued a notice dated 14.12.2018 calling upon the respondent to explain as to how his appointment can be considered valid. However, we notice that Annexure-1 is not on that count.

5. In any view of the matter, the learned Single Judge had only directed fresh consideration of the matter. Learned Counsel for the writ petitioner, who is the respondent in the appeal, submits that the writ petitioner has been reinstated in service and a fresh show-cause notice has been issued.

6. In such circumstances, we find no reason to interfere with the impugned order. We reject the appeal but, however, not making any observation with respect to the allegations levelled in Annexure-1 order or in the appeal which will have to be agitated in the proceedings initiated and taken to



its logical conclusion.

7. The appeal stands dismissed with the above observations.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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