

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4186 of 2023**

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Sheo Shambhu Kumar Son of Sri Ram Pyare Ram, Resident of Village Baliwan Sagar, P.S. - Bishambharpur, District - Gopalganj. At present Resident of Nonia Toli Ward No. 20, Gopalganj, P.S.- Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. Joint Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Prabhakar Singh, Advocate  
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

6      03-12-2024                      Heard Mr. Prabhakar Singh, learned counsel  
  
                                                 appearing on behalf of the petitioner and Mr. Raj Kishore Roy,  
  
                                                 learne G.P-18 for the state.

2. The petitioner in paragraph no.1 of the present writ  
petition have, *inter alia*, sought following relief(s), which is  
reproduced hereinafter:

*“That this application for issuance of a writ in the nature of certiorari for quashing of the Memo No.07(3), Patna-15 dated 06.01.2023 issued by the Respondent No.3 by which selection/candidature of the petitioner on the post of Revenue Officer in the Department of Revenue and Land Reforms, Govt. of Bihar along with others was cancelled, is directed in the following facts and circumstances of the case.”*

3. Learned counsel appearing on behalf of the



petitioner submitted that by a common order vide Memo no. 07(3) dated 06.01.2023, the appointment of the petitioner along with 49 other persons on the post of Revenue Officer has been cancelled without affording them any opportunity of hearing or even issuing any show cause to explain as to why they have not joined their respective places of posting within 15 days. Such unilateral action of the respondent is not sustainable in the eye of law, which requires at least minimum seeking show cause from the petitioner to explain. The petitioner along with other 49 persons have admittedly been found successful and they were also directed to join their respective places of posting vide letter dated 30.05.2022 (Annexure-1). The petitioner is presently working in the Department of Agriculture, Government of Bihar. Learned counsel further submitted that Bihar CCA Rules, 2005 will equally apply to the petitioner and in absence of having followed the due process of law, the order contained in Memo no. 7(3) dated 06.01.2023 is fit to be set aside and quashed.

4. *Per contra*, learned counsel appearing on behalf of the State submitted that as per the terms and conditions of the appointment letter contained in Annexure-1, particularly, Clause-1 read with Clause -7, the petitioner having not joined



the place of posting cannot seek any protection of the Bihar CCA Rules, 2005 or Article 311 (2) of the Constitution of India, which is not applicable in the facts of the case, as the petitioner has himself waived of his right, as a result of his own volition. As such, the relief as prayed for in the present writ petition is not sustainable.

5. Having heard the rival submissions made on behalf of the parties as well as the terms and conditions contained in the appointment letter, it is admitted that the petitioner in terms of Clause-1 had submitted his representation on 13.06.2022 (Annexure-2) within time and thereafter he had also given several representations which were not considered. At the same time, record also reveals that in view of Memo No. 692 (3) dated 30.12.2022, out of the successful candidates whose name appeared in Annexure -1 including the petitioner had given application for extension of time while the department did not consider the application of the petitioner to extend the time and as such, a case of discrimination has been made out. In any view of the matter, prima facie it appears that the cancellation of appointment of the petitioner contained in Memo no. 7(3) dated 06.01.2023 (Annexure-7) cannot be sustained in eye of law having been passed without giving any opportunity to the



petitioner and failure of natural justice calls for the interference of this Court.

6. Accordingly, Memo no. 07(3) dated 06.01.2023 (Annexure-7) is hereby set aside and quashed.

7. The authorities concerned are directed to consider the case of the petitioner expeditiously in accordance with law by passing a reasoned order and giving opportunity of hearing and abiding by the procedure laid down in Article 311(2) of the Constitution of India.

8. In any manner the petitioner is aggrieved that the respondents are purposely delaying his case, then the petitioner is at liberty to take appropriate action against the authority concerned for such delay.

9. Accordingly, the present writ petition is disposed of.

**(Purnendu Singh, J)**

Harshita/-

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