

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6020 of 2023

1. Anand Prakash Son of Shree Mahesh Prasad Yadav, Resident of Village- Manpura, P.O.- Daudnagar, P.S.- Vaishali, District- Vaishali, PIN- 844113
2. Pragati Kunal Son of Shree Manoj Thakur, Resident of Village- Madhubani, P.O.- Patahi, P.S.- Sadar, District- Muzaffarpur, PIN- 843113
3. Sudhakar Kumar Son of Shri Arun Kumar Singh, Resident of Vill.- Bishunpur Ratwara, P.O.- Ratwara, P.S.- Bajpatti, Dist.- Sitamarhi, PIN- 843333.
4. Niraj Kumar Son of Shree Umesh Thakur, Resident of Village and P.O.- Rajkhand, P.S.- Aurai, District- Muzaffarpur. PIN- 843312
5. Raghvendra Kumar Son of Shree Kishori Thakur, Resident of Vill.- Maisahan, P.O.- Singar Phulkahan, P.S.- Kanti, Dist.- Muzaffarpur, PIN- 843109

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
3. The Secretary, Science and Technology Department, Government of Bihar, Patna cum Vice Chairman of State Board of Technical Education Bihar, Patna.
4. The Joint Secretary cum Director, Science and Technology Department, Government of Bihar, Patna
5. The Director, Directorate of Land Records and Survey, Bihar, Survey Bhawan, Shastri Nagar, Patna.
6. The Additional Director, Directorate of land Records and Survey, Bihar, Patna.
7. The State Board of Technical Education, through its Secretary, Bihar, Patna.
8. The Secretary, State Board of Technical Education, Bihar Patna.
9. The Principal, Government Polytechnic, Muzaffarpur
10. The Assistant Settlement Officer, Settlement Office, Darbhanga.
11. The Circle Officer, Manigachhi Block, Manigachhi, District- Darbhanga.
12. The Circle Officer, Ghanshyampur Block, Ghanshyampur, District- Darbhanga.
13. The Circle Officer, Sadar Block, Darbhanga.
14. The Circle Officer, Jale Block, Jale, District- Darbhanga.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Navendu Kumar, Advocate.
For the Respondent/s : Mr.Raj Kishore Roy, GP-18.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-11-2024 Heard Mr. Navendu Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Raj Kishore Roy,

learned GP-18 for the State.

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

“(i) For quashing and setting aside the order contained in memo no. 1162 dated 18.05.2022 issued by the Director, Directorate of Land Records and Survey, Bihar, Patna, whereby and where under the engagement of petitioners have been terminated on erroneous and illegal ground through the said common order.

(ii) For quashing and setting aside the order contained in No.: 01/ Bhu. A. Ni. (5) Appeal 17/2022 2658 dated 28.09.2022 passed by the Additional Chief Secretary cum Appellate Authority, Department of Revenue and Land Reform, Bihar, by which appeal filed by the petitioners were also dismissed.

(iii) For quashing the common show cause notice contained in memo no. 470 dated 28.02.2022 issued by Additional Director, Directorate of Land Records and Survey, Bihar, Patna, whereby on erroneous ground the petitioners were asked to submit the explanation regarding their respective degree of 'Amanat.

(iv) For a direction to the concerned respondent authorities to reinstate the petitioners on the post of 'Amin' where they were working prior to their termination by issuance of the impugned order dated 18.05.2022 and to pay them the entire arrears of salary with interest along with the allowances for their laptop in the facts and circumstances of the case.

(v) To pass such other order or orders as may be deemed fit and proper in the interests of justice.”

3. Learned counsel appearing on behalf of the petitioners submits that no opportunity was given to the



petitioners who were appointed on contract as Amin before passing of the termination order in respect of the petitioners who are altogether five in number, and as such, the termination order dated 18.05.2022 contained in Memo No. 1162 (Annexure-16) and the consequential appellate order dated 28.09.2022 (Annexure-18) are not in accordance with law and are fit to be set aside and quashed.

4. *Per contra*, Mr. Raj Kishore Roy, learned GP-18 for the State submits that the petitioners may avail appropriate remedy before the Director, Directorate of Land Records and Survey, Bihar for considering their case in accordance with law.

5. Having considered the rival submissions made on behalf of the parties, as well as, violation of principle of natural justice, the petitioners were terminated being the contractual Amin appointed by the Government of Bihar for any reason without having given any opportunity of hearing, the same calls for interference by this Court. Accordingly, I set aside and quash the the termination order dated 18.05.2022 contained in Memo No. 1162 (Annexure-16) and the consequential appellate order dated 28.09.2022 (Annexure-18).

6. The petitioners, if so advised, may file their individual representation before the respondent no.5 – Director,



Directorate of Land Records and Survey, Patna to consider their case by providing them opportunity of hearing and the respondent no.5 is directed to consider the representation of the petitioners by passing a reasoned order in accordance with law expeditiously considering that they have been rendered unemployed defeating the vital right of the employment.

7. With the above observation and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

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