

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11636 of 2013

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Sanjay Kumar Sinha Son Of Kamaleshwar Prasad Sinha Resident Of Village -
Dharmuha, P.S. Turki, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through Home Commissioner, Home (Jail) Department,
Bihar, Patna.
2. The Inspector General, Prison, Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The Jail Superintendent, Shahid Khudiram Bose, Central Jail, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate
For the Respondent/s : Mr. Awdhesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-07-2024 Heard Mr. Nityanand, learned counsel appearing on

behalf of the petitioner and Mr. Awdhesh Kumar Pandey,

learned counsel for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought *inter alia* following relief(s), which is

reproduced hereinafter:

*"(A) A writ in the nature of certiorari or any other
appropriate writ/s, order/s, for the following:-*

*(i) For quashing the order dated 03.11.2012,
contained in Memo No. 4757, passed by Jail Superintendent,
Sahid Khudiram Bose, Central Jail, Muzaffarpur, by which the
petitioner has been restrained from discharging his duty and
recommendation for termination (cancelation of contract) of the
of the petitioner from service has been made.*

*(ii) For quashing the order dated 22.04.2013,
contained in Memo No. 2132, passed by the Inspector General,
Prison, Bihar, by which the representation filed by the petitioner
pursuant to the order dated 19.12.2012, passed in CWJC No.
23148 of 2012, is disposed of, refusing the claim of the petitioner,
on mechanical ground, holding therein that the claim of the
petitioner is not only irregular but illegal also.*



(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s commanding the respondents to allow the petitioner to discharge his duty as usual.

(C) To any other relief/s for which petitioner is found entitled to."

3. Learned counsel appearing on behalf of the petitioner submitted that petitioner is bounded by the terms and conditions of the contract and the cancellation of contract resulting into termination of his service cannot be interfered with, however, the adverse remark contained in termination order dated 03.11.2012 contained in Memo No. 4757 to the extent that the 'petitioner failed to discharge his duty' shall affect future career of the petitioner and the same may be directed to be deleted considering the fact that no proper inquiry was held in the case of the petitioner even though the mandate of law require the same in case of contractual employees, as well, and for same, he seeks to file detailed representation before the Inspector General, Prison, Bihar, Patna.

4. Considering the limited relief sought for by the petitioner, the petitioner, if so advised, may file a detailed representation before the Inspector General, Prison, Bihar, Patna for the relief(s) as prayed for in the present writ petition along with all the supporting documents and law in his favour. The Inspector General, Prison, Bihar, Patna, is directed to disposed of the representation of the petitioner within a period of six



weeks from the date of filing of the representation, in accordance with law.

5. With above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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