

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5990 of 2023

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Golu Kumar Singh Son of Baban Singh, Resident of Village- Rahimpur Karn,
P.S. - Amnaur, District – Saran. 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 Deputy Development Commissioner-cum-Vice President, District Water and Sanitation Committee, Saran, Chapra.
4. The District Magistrate-cum-Chairman, District Water and Sanitation Committee, Saran.
5. The District Panchayati Raj Officer, Saran at Chapra.
6. The Block Development Officer, Amnaur, Saran.
7. The District Resource Person-cum-Block Coordinator, Amnour, Saran at Chapra.
8. The Mukhiya, Gram Panchayat Raj, Rasulpur, Block - Amnaur, District-Saran.
9. The Panchayat Secretary, Gram Panchayat Raj, Rasulpur, Block - Amnaur, District - Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate
For the Respondent/s : Mr. Anjani Kumar, (AAG 4)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-11-2024 Heard Mr. Amarendra Kumar, learned counsel

 appearing on behalf of the petitioner and Mr. Anjani Kumar,

 learned AAG 4 appearing on behalf of the State.

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

*“i. For issuance of appropriate Writ/Writs,
direction/directions or order/orders especially in
the nature of **Certiorari** for quashing the Letter
as contained in Memo No.-1572 dated*



*16.09.2022 (Annexure-7) passed by Block Development Officer, Amnaur, Saran by which the selection of the petitioner on the post of Sanitation Supervisor in Rasulpur Gram Panchayat under Block – Amnaur, Saran has been cancelled and in consequent thereof, further be pleased to direct the respondents to reinstate the petitioner on the said post.
ii. For any other relief/reliefs, which the Hon'ble Court may grant in general interest, that may be deemed appropriate and necessary in this case.”*

3. Mr. Amarendra Kumar, learned counsel appearing on behalf of the petitioner submits that the petitioner was duly appointed by the resolution passed by the *Gram Sabha*, Rasulpur, Gram Panchayat under Block – Amnaur, Saran on the post of Sanitation Supervisor, under “Lohiya Swachha Bihar Abhiyaan” vide Letter No.-14 of 2022 dated 26.02.2022 (Annexure-5 to the writ petition). The Block Development officer vide order contained in Memo No.1572 dated 16.09.2022 (Annexure-7 to the writ petition), unilaterally, without giving any opportunity of hearing to the petitioner, has terminated the services of the petitioner, which is gross violation of ‘Principle of Natural Justice’. He further submitted that the petitioner was selected by the *Aam Sabha* and the unilateral action of the Block Development Officer, in respect of termination of the petitioner, is not sustainable in view of the fact that no recommendation of *Gram Sabha* has been taken in this regard.

4. *Per contra*, learned counsel appearing on behalf of the respondent/s submits that the very selection of the petitioner



is not in accordance with the scheme/guidelines prescribed for selection on the post of Sanitation Supervisor.

5. At this stage, this Court made a query, as to which part of the guideline relates to the appointment and termination of the services for the post of Sanitation Supervisor. To this query, learned counsel appearing on behalf of the State could only refer to paragraph nos.7 and 8 of the counter affidavit and no supporting evidence, in respect of the statement made therein, has been brought on record.

6. I find that the order contained in Memo No.1572 dated 16.09.2022 cannot be sustained for the reason that it is the case of the petitioner that he had been selected after the *Gram Sabha* of the *Panchayat* had recommended to appoint the petitioner in accordance with the guidelines, accordingly the Block Development Officer based on the information contained in Letter No.14 of 2022 dated 26.06.2022 (Annexure-5) after accepting the recommendation appointed the petitioner. The petitioner had worked continuously for nearly seven months and thereafter, all of a sudden, without giving any show cause notice to the petitioner or assigning any reason, as to why, the services of the petitioner is required to be terminated, passed the impugned order of termination. Such unilateral termination



order cannot be sustained in the eye of law. The action of the Block Development officer only calls for interference by this Court. The order contained in Memo No.1572 dated 16.09.2022 is hereby set-aside and quashed, also for the reason that from perusal of Annexure-7 (Memo No.1572 dated 16.09.2022), it does not appear that any recommendation was sought for, prior to termination of the petitioner, by the Block Development officer. For this reason also, the order cannot be said to be in accordance with law.

7. The Apex Court in case of ***P.L. Dhingra vs. Union of India*** reported in ***AIR 1958 SC 36***, ***Brij Mohan Lal Vs. Union of India*** reported in ***(2012)6 SCC 502***, ***Central Inland Water Transport Corporation Limited Vs. Brojo Nath Ganguly*** reported in ***AIR 1986 SC page 1571*** and several decisions including recent judgment in case of ***Swati Priyadarshini vs. the State of Madhya Pradesh & Ors. (CIVIL APPEAL NO.9758 OF 2024 arising out of SPECIAL LEAVE PETITION (C) NO.11685 OF 2021)*** has held that in case of termination of a contractual employee being not simpliciter in nature and the order is stigmatic, the same calls for proper enquiry as per the requirement of Article 311 of the Constitution of India.



8. The petitioner, in whose case ex-parte order has been passed, is directed to be reinstated on the post of Sanitation Supervisor.

9. It goes without saying that since I have already quashed the order any salary which has not been paid to the petitioner from the date of his appointment till passing of the impugned order dated 16.09.2022, is required to be paid to the petitioner forthwith.

10. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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