

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7518 of 2023

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M/S Art and Work, A-145, S.K. Puri, Boring Road Patna- 80001 Through its
Proprietor, namely Amiya Ranjan aged about 56 years son of Late Suresh
Prasad, resident of Mohalla and P.S. -S.K. Puri, Boring Road, Patna, District-
Patna(Bihar) ... Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Department of
Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar,
Patna.
3. The Deputy Secretary, General Administration Department, Government of
Bihar, Patna.
4. The Director, Bihar Agriculture Management and Extension Training
Institute (BAMETI), Department of Agriculture, Government of Bihar,
Patna. ... Respondents

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Appearance :

For the Petitioner : Mr.Brajendra Kumar, Adv.
For the Respondents : Mr.Sarvesh Kr. Singh (Aag13)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 29-01-2024 Heard the parties.

2. The present writ petition has been filed for the
following relief(s) :

*“..... for issuance of any appropriate
writ(s)/order(s)/direction(s) to set aside the talkative
order contained in Letter No. 99/BAMETI/202-23/538
dated 28.02.2023 passed by the Director, Bihar
Agriculture Management and Extension Training
Institute (BAMETI), Department of Agriculture,
Government of Bihar, Patna, as well as to set aside
the order dated 21.12.2018 contained in Memo No.
58 BAMETI, 2018/2131, Director, Bihar Agriculture
Management and Extension Training Institute
(BAMETI), Department of Agriculture, Government*



of Bihar, Patna, (Respondent No. 4) whereby and whereunder payment of Rs.18,52,546 (Eighteen Lacs Fifty-Two Thousand Five Hundred Forty-Six) has been withheld and denied erroneously even without giving knowledge to the petitioner about revaluation arbitrarily as the same order dated 21.12.2018 is to be set aside and further direction to the Respondent Authorities to make payment of aforesaid due amount along with an appropriate interest thereon for the delayed period and also allow other suitable relief(s) in the fact and circumstances of the case.”

3. Learned counsel for the petitioner has stated that on an earlier occasion the petitioner has approached this Hon’ble Court by way of C.W.J.C. No. 16840 of 2022 and this Hon’ble Court vide order, dated 02.01.2023, has passed an order directing the Director, Bihar Agriculture Management and Extension Training Institute (BAMETI), Department of Agriculture, Government of Bihar, Patna, (arrayed as Respondent No. 4 therein) to consider the case of the petitioner afresh and take a decision with regard to the disbursement of the legitimate dues payable to the petitioner under the scheme.

4. However, the authority concerned has passed a fresh order on 28.02.2023 rejecting the claim of the petitioner. In the counter affidavit filed by the respondents at paragraph 15 it is stated as under :



“15 : That it needs to mention here that though the petitioner had prayed for setting aside the speaking order, dated 21.12.2018, in C.W.J.C. No. 16840 of 2022 but from perusal of the order dated 02.01.2023 passed in C.W.J.C. No. 16840 of 2022 it appears that the Hon’ble Court did not give any finding in respect of the said order rather the matter was remanded back for re-consideration afresh.”

5. It is surprising to note that the Respondent No. 4 herein has misconstrued the earlier order of remand passed by this Hon’ble Court and passed the order impugned again reiterating the earlier order. The Respondent No. 4 for the reasons best known to him has come to the conclusion that earlier order, dated 21.12.2018, was not set aside by this Hon’ble Court vide order, dated 02.01.2023, in C.W.J.C. No. 16840 of 2022 and passed the order impugned in the present C.W.J.C. Once this Hon’ble Court had come to the conclusion that the matter needs to be heard by the Director and has directed him to pass an order afresh, the earlier order impugned in the previous Writ Petition is deemed to have been set aside. The Director ought to have passed speaking orders giving reasons, however, the same is missing in the impugned order, dated 28.02.2023.

6. Having regard to the same, this Court is of the



opinion that the impugned order is liable to be set aside and the matter remanded back to the Respondent No. 4 for passing orders afresh. It is needless to mention that before passing any order Respondent No. 4 shall put the petitioner on notice and give him an opportunity of hearing. The Respondent No. 4 shall pass a reasoned order giving the reasons for either rejecting the claim of the petitioner or allowing the claim of the petitioner. It is made clear that the order, dated 28.02.2023 passed by the Respondent No. 4 and also the order passed earlier, dated 21.12.2018, are deemed to have been set aside and, therefore, the authority cannot rely on the earlier orders and pass fresh orders reiterating the very same grounds for rejection.

7. The entire exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Any orders passed shall be communicated to the petitioner.

8. With the above directions, the Writ Petition stands **disposed off**.

(A. Abhishek Reddy , J)

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