

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23116 of 2012

Vijay Kumar S/O Late Narayan Ram R/O Village- Jai Prakash Nagar, P.S.-
Khagaria Town, District- Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary cum Commissioner, Animal Husbandry and Fisheries Department, New Secretariat, Patna
2. The Deputy Secretary, Animal Husbandry, New Secretariat, Patna
3. The Regional Director, Animal Husbandry, District- Saran At Chapra
4. The District Animal Husbandry Officer, District- Saran At Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : A.C. to AAG-4

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-07-2024 No one appears on behalf of the petitioner.

2. AC to AAG-4 appeared on behalf of the respondents.

3. The petitioner has prayed for the following relief(s)
in paragraph no.(1) to the writ petition:

“i. For that it is the duty of the respondent no.1 to 4 to treat all their employees equally without any discrimination.

ii. For that it was the duty of the respondent no.1 to 4 to be fair and impartial in their conduct so that not a single employee's right for natural justice is affected.

iii. For that it was the duty of the respondent to clarify their position as to how other employees who were appointed at par with the petitioner in the exactly same manner are still continuing in service but in enquiry report regarding too said year of appointment only 16 Class IV employees were removed from service showing them to be illegal appointee.

iv. For that the conduct of the respondent no.1 to 4 in passing the enquiry report



as contained in Annexure-3 of this writ application is arbitrary, illegal, malafide and unconstitutional.”

4. In the present writ petition, the petitioner has filed representation before the Competent Authority, who, after going through the facts, have rejected the claim of the petitioner for being appointed as Class- IV employee. In the present writ petition, the sole petitioner has stated that he was appointed on Class- IV sanctioned post in Animal Husbandry Department vide letter no. 09/go dated 28.01.1991 and his service was regularised in prescribed pay scale of Rs. 775 -12-955-14-1025 and he was communicated by letter no.71 dated 09.10.1991 on the basis of the recommendation of duly constituted ‘Three Men Committee’ in view of the Government Order No. 5094 dated 04.07.1987. It appears that in spite of the petitioner’s case, having been recommended by the ‘Three Men Committee’, on the basis of the termination order dated 10.02.1994, 16 employees, including the petitioner, were suddenly dispensed with their services, without offering them opportunity of hearing and holding that only Competent Court can declare the order passed by the Government as illegal and issue writ in favour of the petitioner for his grievances. The petitioner has made out a case for interference, so far as, the order of termination is concerned, the same has been passed without giving the



petitioner an opportunity of hearing. The petitioner, by the time, filed the present writ petition, had obtained age of 41 years and now, by lapse of nearly 12 years, he has attained nearly age of 53 years.

5. Considering the fact that the order of termination contained in the letter dated 10.02.1994, was passed without giving any opportunity of hearing to the petitioner cannot be sustained, I make it clear that this order be made applicable in the case of present petitioner only. The petitioner may file representation before the appropriate Authority for considering his case afresh by giving him a proper opportunity of hearing.

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

(Purnendu Singh, J.)

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