

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4796 of 2018

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Bhagwati Devi W/o Shree Amrendra jha Resident of Vill- Kahra, Near Kahra
Block, Ward No. 12, Police Station- Saharsa Sadar, Distt. Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
3. The Finance Secretary, Govt. of Bihar, Patna.
4. The Special Secretary to the Govt. Finance Department, Govt. of Bihar.
5. The Chief Engineer, Flood Control and Water Management, Water Resource Department, Birpur, Supaul.
6. The Chief Engineer, Irrigation Creation, Water Resources Department, Saharsa.
7. The Executive Engineer, Irrigation Division, Saharsa.

.. ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha-3, Adv.
	:	Mr. Shambhoo Kumar Suman, Adv.
For the Respondent/s	:	Mr. Sudhir Kumar Upadhyay, AC to GP7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 08-01-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed by the petitioner for quashing the office order bearing Memo No. 200 dated 09.02.2018 issued under the signature of respondent No.6 and further prayer not to take any coercive action against the petitioner in terms of aforesaid office order dated 09.02.2018.

3. Counsel for the petitioner submits that the case of petitioner has been squarely covered by the decision passed by Co-ordinate Bench of this Court vide order dated 27.09.2023 passed in C.W.J.C. No.5944 of 2018.

4. Counsel for the State submits that petitioner has no case as a reasoned order has been passed by the authority.

5. It transpires to this Court that in C.W.J.C. No. 5944



of 2018 dated 27.09.2023, the same Memo No. 200 dated 09.02.2018 was considered and it has been quashed for the petitioner, namely, Mr. Rajendra Jha of the said writ petition. Here in the present case, the petitioner is also affected by the same letter due to which relief could not be granted to the petitioner. Here in the present case also, the said office order communicated to the petitioner vide Memo No. 200 dated 09.02.2018 which has been passed without hearing the petitioner, is hereby quashed as it is violation of natural justice.

6. In this background, this Court directs the petitioner to file fresh representation before the Chief Engineer (respondent No.6) who upon considering the entire case as well as the relevant judgment on which the petitioner is relying, pass a fresh order in the light of Section 4(C) of the Bihar State Litigation Policy, 2011 and communicate the decision on his representation within 90 days from the date of production of the order.

7. In the meantime, Annexure-1 of the writ petition shall be kept in abeyance.

8. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

Prakashmani/-

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