

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8085 of 2018**

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Sanjit Kumar Son of Sri Umesh Mahto, Resident of Village and Post-Bardela,  
Police Station-Dhamdaha, District-Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Khagaria.
3. The Additional Director-Cum-State Programme Officer, Leprosy Bihar, Patna.
4. The Civil Surgeon-Cum-Chief Medical Officer, Khagaria.
5. Additional Deputy Superintendent-Cum-Additional Chief Medical Officer, Communicative Disease Lepros
6. Incharge Medical Officer, Primary Health Centre cum Parbatta, District-Khagaria.
7. Sanjay Kumar Son of Deo Narayan Sah, Resident of Village-Bhagat Tola Madhurapur, Police Station and District-Khagaria.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Roy  
For the Respondent/s : Mr. N.P. Yadav- Sc23

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

7      03-09-2024                      Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the private respondent.

2. Learned counsel for the petitioner has filed the writ petition for setting aside the order as contained in Memo No.861 dated 20.04.2018 issued by respondent No.4, Civil Surgeon-cum-Chief Medical Officer, Khagaria, by which the appointment of the petitioner has been cancelled on the ground that his appointment was found wrong and further respondent



No.7 was appointed on the place of the petitioner.

3. Learned counsel for the petitioner submits that from the order itself, it become not clear that what is the reason for removal of the petitioner, particularly when at one point of time he was appointed and working but subsequently he has been removed. Learned counsel further submits that the order contained in Memo No.861 dated 24.02.2018 has been passed in gross violation of natural justice and no opportunity of defend has been granted to the petitioner. Therefore, counsel for the petitioner submits that this order be set aside.

4. Learned counsel for the State submits that the argument made by the petitioner is not correct. He submits that it is not correct to say that opportunity has not been granted to the petitioner rather he submits that Vide Annexure-A, it transpired that all the concerned persons have been directed to appear before the Enquiry Committee and they have appeared which is apparent from Annexure-B. Learned counsel for the State further submits that after appearance, three-men Enquiry Committee has submitted the report.

5. Learned counsel for the private respondent submits that he is not at fault and he has started working after receiving his appointment by the competent authority.



6. In the light of the submissions made, it transpired to this Court that the petitioner and others were directed to appear before the Enquiry Committee and Enquiry Committee after taking the document has submitted his report and in the said report, it has come that the allegation made by the applicant is baseless. Moreover, once the petitioner is started working then prior to his removal, a final opportunity along with basis of his removal as necessary to be explained and opportunity to defend himself was also necessary.

7. In this view of the matter, this Court is of the firm view that order dated 20.04.2018 contained in Memo No861 dated 20.04.2018 has been passed in gross violation of natural justice. Therefore, the said order is hereby set aside, granting opportunity to the respondents that prior to taking any decision, he shall grant opportunity of hearing to all concerned, i.e., petitioner and private respondents both and then only pass final order. Till passing of final order afresh, status as today shall be maintained.

8. In this background, this writ petition is allowed.

sanjeev/-

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(Dr. Anshuman, J)

