

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10073 of 2022

1. Shambhu Kumar Son of Ramlakhan Pandit Resident of Turkaijani, Ainjani Ghat, P.S.- Birpur, District- Lakhisarai.
2. Subodh Kumar Patel Son of Anandi Mahto Resident of Manikpur, P.O.- Kawadpur, P.S.- Suryagarha, District- Lakhisarai.
3. Mukesh Kumar Son of Bramhdeo Mandal Resident of Village Bhirha, P.S.- Medinichauki, District- Lakhisarai.
4. Sanjay Kumar Chaudhary Son of Kharo Chaudhary Resident of Village and P.S.- Terahat, District- Lakhisarai.
5. Shashi Bhushan Kumar Son of Umesh Singh Resident of Chuharchak, P.S.- Barhiya, District- Lakhisarai.
6. Arun Kumar Son of Shri Krishnadeo Mehta Resident of Bakarchak, P.S.- Suryagarha, District- Lakhisarai.
7. Pushpa Kumari Sinha Daughter of Harkhit Mahto Resident of Tall Banshipur, P.S.- Suryagarha, District- Lakhisarai.
8. Sanjay Kumar Das Son of Rajendra Das Resident of Itaun, P.S.- Chanan, District- Lakhisarai.
9. Ashok Kumar Son of Late Hari Thakur Resident of Village- Rajpur, P.S.- Piri Bazar, District- Lakhisarai.
10. Surekha Kumari Daughter of Ambika Paswan Resident of Village- Itaun, P.S.- Chanan, District- Lakhisarai.
11. Dharmendra Sao Son of Uday Sao Resident of Village- Nista, P.S.- Suryagarha, District- Lakhisarai.
12. Subodh Tanti Son of Akbu Tanti Resident of Village- Shri Ghana, P.S.- Kajra, District- Lakhisarai.
13. Sadhu Sharan Ravidas Son of Doman Ravidas Resident of Dhira, P.S.- Halsi, District- Lakhisarai.
14. Nawal Kishore Nirala Son of Ramnandan Singh Resident of Village- Rehuwa, P.S.- Lakhisarai, District- Lakhisarai.
15. Anil Paswan Son of Banwari Paswan R/o- Dayal Tola, P.S.- Lakhisarai, District- Lakhisarai.
16. Rajesh Kumar Son of Radhe Mahto Resident of Bakarchak, P.S.- Suryagarha, District- Lakhisarai.
17. Ranjeet Kumar Son of Arjun Sao Gramin- Billo, P.S.- Ramgarh, District- Lakhisarai.
18. Kumar Dhananjay Gulshan Son of Nawal Kishore Singh Resident of Village- Bansipur, P.S.- Suryagarha, Dist.- Lakhisarai.
19. Amar Kumar Son of Mohan Shah Resident of Khawachandra Tola, P.S.- Medini Chauki, District- Lakhisarai.
20. Ajit Kumar Son of Sudhir Mehta Village- Devghara, P.S.- Suryagarha, District- Lakhisarai.



21. Naresh Ravidas Son of Doman Ravidas Resident of Dhira, P.S.- Halsi, Dist.- Lakhisarai.
22. Binay Kumar Son of Ramnandan Pd Singh Resident of Village- Sabikpur, P.S.- Lakhisarai, District- Lakhisarai.
23. Rampriya Kumar Son of Bindeshwari Sharma Resident of Dadhisir, P.S.- Chanan, District- Lakhisarai.
24. Rajeev Kumar Son of Late Surendra Prasad Singh Resident of Jaitpur, P.S.- Barhiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Bihar, Patna.
3. The Director, Agriculture, Bihar, Patna.
4. The Commissioner, Munger Division, Munger.
5. The District Agriculture Officer, Lakhisarai, Patna.
6. The District Magistrate, Lakhisarai, Patna.
7. The Project Director, Atma, District- Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Adv.
For the Respondent/s : Mr.Dhurjati Kumar Prasad, GP- 14

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 13-02-2024

1. The present writ petition has been filed for quashing the order dated 01.07.2022, contained in Letter No.1001, issued by the District Agriculture Officer, Lakhisarai, whereby and whereunder the services of the petitioners have been terminated from the post of Kisan Salahkar in one line by an unreasoned order.

2. Shorn of the unnecessary details, it would suffice to state that it is the contention of the respondents that after the



judgment dated 02.04.2019 was passed by a co-ordinate Bench of this Court in C.W.J.C. No. 16309 of 2010 (*Indrakant Sharma & Ors. vs. State of Bihar & Ors.*), the respondents had conducted verification of the applications filed by the candidates for being engaged as Kishan Salahkar, in view of the following observations made by a co-ordinate Bench of this Court, which is reproduced hereinbelow:-

“In that view of the matter, this Court directs the Commissioner, Munger Division to call for the records from the Collectorate, examine the same and record a finding as to whether affidavits were attached along with the applications filed by the private respondents against the Advertisement published for appointment/recruitment of ‘Kisan Salahkar’. If the finding is recorded by the Commissioner that the applications of the private respondents were complete in the sense that it was attached with affidavits and all certificates, in such events, it will not be treated that this Court has interfered with the order of their selection, but is is found that the application of the private respondents are incomplete, in such circumstances, in terms of the advertisement, the defect cannot be rectified at later stage and their selection and appointment would be treated to have been quashed.”



3. The learned counsel for the respondents has further submitted that since the applications of the petitioners were found to be defective, their engagement as Kishan Salahkar has been cancelled.

4. Per contra, the learned counsel, appearing for the petitioners, submits that they do not have any objection to an inquiry being made, regarding the veracity/validity of their applications and the documents attached therewith, however, neither any opportunity of hearing was granted to the petitioners nor the impugned order dated 01.07.2022, mentions any reason for the District Agriculture Officer, Lakhisarai, to have come to a conclusion that there are reasonable grounds to cancel the engagement of the petitioners. Reference in this connection has been made to a judgment rendered by the Hon'ble Apex Court in the case of ***ORYX Fisheries Pvt. Ltd. vs. Union of India***, reported in ***(2010) 13 SCC 427***, wherein the Hon'ble Apex Court has held that furnishing of cogent, clear and succinct reasons in support of a decision and transparency is the sine qua non of restraint on abuse of judicial powers and a valid decision making process. In the present case, no cogent, clear or succinct reasons have been furnished in support of the decision to cancel the engagement of the petitioners as Kisan Salahkar, which is an



indispensable component of a decision making process, hence, the Principles of Natural Justice has been violated, thus, it is submitted that the impugned order dated 01.07.2022, is fit to be set aside.

5. I have heard the learned counsels for the parties and gone through the materials available on record, from which it is apparent that a one line unreasoned order dis-engaging the petitioners from the post of Kisan Salahkar has been passed, which is clearly in breach of the principles laid down by the Hon’ble Apex Court in the case of *ORYX Fisheries Pvt. Ltd.* (supra), hence the impugned order dated 01.07.2022, is perverse and not sustainable in the eyes of law, thus is quashed, nonetheless, the respondent-authorities are granted liberty to proceed afresh, in accordance with law, in case they so desire.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

sonal/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	14.03.2024
Transmission Date	NA

