

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10896 of 2024

Vikash Kumar Rajak

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate

For the Respondent/s : Mr. Birju Prasad, GP 13

Mr. Ajit Anand, AC to GP 13

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 02-08-2024 The petitioner is a contractual employee in the office of the District Commandant, Bihar Home Guard, Gopalganj. One Naiyer Hasnain Khan, Additional Superintendent of Police, Special Vigilance Unit, Patna, wrote a letter to the Director-in-Chief, Home Guards, Bihar, Patna alleging corruption in the office of the Home guards, at Gopalganj. In the said letter the main allegation has been made against one Ravi Kumar who is a Commandant and some other members of staff under him to the effect that the Commandant does not release the pensionary benefits of the Home Guards after their retirement without being satisfied by illegal gratification. In the said letter, the Additional Superintendent of Police, Vigilance Investigation Bureau, also stated the name of the petitioner along with other persons who allegedly, are assisting the Commandant in demanding and obtaining illegal gratification.



2. The learned Advocate for the petitioner refers to the duty chart of the petitioner. The duty chart reflects that the petitioner's duty was to transmit the pay and emoluments in the account of the Home Guards with the help of a Data Entry Operator. It is contended on behalf of the petitioner that he is not, in any way, involved in demanding any illegal gratification from any Home Guard. However, the District Commandant, Home Guards, Gopalganj wrote the letter on 29th February 2024 to the competent officer of General Administration Department, Gopalganj, terminating the service of Vikash Kumar with effect from the afternoon of 29th February 2024.

3. It is further contended by the learned Advocate for the petitioner that no departmental inquiry was held against the petitioner, namely, Vikash Kumar and no reason was cited against him. Though, Vikash Kumar was a contractual employee, but his tenure of service was 60 years and before that he could not be terminated in violation of the rules and the principles of natural justice.

4. The petitioner did not make any representation before the higher authority of Home Guards, alleging his cause for appropriate relief.

5. In view of such circumstances, this Court finds that



the instant writ petition is pre-mature.

6. Accordingly, the instant writ petition is disposed of directing the petitioner to submit a detailed representation to the Deputy-Director General Cum Deputy-Commandant, Bihar Home Guards, Government of Bihar, Patna within two weeks from the date of this order and the Deputy Director General Cum Deputy-Commandant, Bihar Home Guards, Government of Bihar, Patna shall dispose of the representation in accordance with law, giving opportunity to the petitioner of hearing within 30 days thereafter.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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