

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13631 of 2024

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Nalin Kumar Son of Late Sitaram Gupta R/o Srinagar Road No.9/8 A.G. Colony, P.O.- Ashiyana Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, New Secretariat, Bihar, Patna.
2. District Registrar cum District Magistrate, Patna.
3. District Under Registrar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kr Singh No.1, Adv.
For the Respondent/s	:	Mr. Sarvesh Kr. Singh, (AAG13)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioner and learned counsel for the state.

2. Learned counsel for the petitioner has filed the present writ petition directing the respondent to appoint the petitioner in the office of District Magistrate-Cum-District Registrar, Patna on contractual basis for spot verification as the petitioner was earlier engaged vide order no. 694(A) dated 28.03.2022 and rendering his service fairly but all of a sudden, vide letter no. 97 dated 14.01.2023, service of the petitioner has been stopped and it has been stated that the work for which the petitioner has been engaged, has been stopped. Counsel for the petitioner submits that work in the department has now been restarted, as such, he seeks direction from this Court that the



petitioner be reinstated on the same post.

3. From the representation filed by the petitioner Annexure P-7, it transpires that the petitioner alleged himself that he has been removed prior to 65 years, in that case, one month notice was essential according to the contract.

4. Counsel for the state submits that a direction may be given to the District Registrar-Cum-District Magistrate, Patna that if in case the petitioner has been removed then the condition of contract may be fulfilled.

5. In the light of the submissions made, it transpires to this Court that the crux of allegation of the petitioner is that he has been removed prior to the completion of 65 years and according to contract, one month notice was required. It is well settled law that if one month notice has to be exonerated then in that case one month payment is necessary.

6. It is directed to the respondent no.2 to verify that whether the petitioner has been provided one month earlier notice or not. In case, he has not been provided one month notice prior to his removal then in that case, he shall be entitled for one month salary.

7. The respondent no.2 is directed to consider the case of the petitioner and decide with a reasoned order within 90



days from the date of production of a copy of this order.

8. Accordingly, the writ petition stands disposed off.

(Dr. Anshuman, J)

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