

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16072 of 2024

Vivekanand Swami son of Chandeshwar Prasad, Permanent Resident of Vrindavan Apartment, Phage-II, Near Isan International School, Mahali Pagdi, Hanuman Nagar, Kankarbagh, Block-A, Flat No. 201, P.O. Lohiyanagar, P.S. Patrakar Nagar, District-Patna, at present resident of Village + P.O. + P.S.-Angra, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the A.C.S. Environment Forest and Climate Change Department, Government of Bihar, Patna.
2. The A.C.S. Environment Forest and Climate Change Department, Government of Bihar, Patna.
3. The Principal Chief Conservator of Forest, Bihar, Patna.
4. The Regional Chief Conservator of Forest Bihar, Patna.
5. The Conservator of Forest Gaya Circle, Gaya.
6. The Divisional Forest Officer, Nawada Forest Division, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chakrapani, Advocate.
Mr. Prabhat Kumar Munna, Advocate.
Mr. Amritanshu Udbhava, Advocate.
For the Respondent/s : AAG-12.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 23-10-2024 Heard Mr. Chakrapani, learned counsel along with Mr. Prabhat Kumar Munna and Mr. Amritanshu Udbhava, learned counsel appearing on behalf of the petitioner and learned AAG-12 for the State.

2. The petitioner in paragraph no. 1 of the present writ



petition has sought, inter alia, following relief(s), which is reproduced hereinafter:-

“(i) Issuance of an order, direction or writ in the nature of Certiorari quashing of Memo No. 2177 dated 28.09.2024 whereby respondent no.3 has cancelled/ terminated the contractual appointment of the petitioner on the basis of charges purportedly found true by respondent no.4.

(ii) Issuance of an order, direction or writ in nature of Mandamus commanding the respondent authorities be instating the petitioner forthwith with all consciences benefits.

(iii) Any other relief or reliefs as the petitioners may be found entitled to in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner straightway draws attention of this Court that the termination of contract of service of the petitioner is stigmatic, which would appear from Memo No. 2177 dated 28.09.2024 affecting the future service prospect of the petitioner. The Apex Court in the case of **Swati Priyadarshini Vs. The State of Madhya Pradesh & Ors. (Civil Appeal No. 9758 of 2024)** has considered all the provisions and has concluded that if the order of termination, even of a contractual employee, is stigmatic, then an inquiry is required in accordance with the provision of Article 311 of the Constitution.

4. That being the case, in light of the settled principle of law laid down by the Apex Court in the case of **Swati Priyadarshini (supra)**, the order contained in Memo No. 2177 dated 28.09.2024 cannot be sustained. The authority concerned may proceed in accordance with law.



5. For the purpose of participation of the petitioner in the inquiry, he is required to be considered in service.
6. The writ petition stands disposed of.

(Purnendu Singh, J)

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