

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18529 of 2024

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Lekhadhari Singh, S/o Rashmani Singh, R/o Village and P.O.-Khajuri, P.S.-
Naubatpur, District-Patna then working as retired contractual revenue staff
Anchal Bihta, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Revenue and Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Deputy Collector Land Reforms (DCLR) Danapur.
4. The Circle Officer, Bihta.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Kumar Kamal Nayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-12-2024 Heard Mr. Rajesh Kumar, learned Advocate for the

petitioner and Mr. Kumar Kamal Nayan, learned Advocate for

the State.

2. The petitioner is aggrieved with the letter dated
03.10.2024 contained in memo no. 2835 whereby the petitioner
who was serving as a contractual revenue staff in Bihta Anchal
has been removed from his service after cancelling his contract
without any valid reason alleging interpolation and
manipulation by the petitioner in *jamabandi* records uploaded
on Bihar Government Online Portal.

3. Learned Advocate for the petitioner contended that
admittedly the petitioner after superannuation was appointed on



contractual basis as a Revenue Staff, however, he was not involved in any manner in respect of any such allegation being a lower rung employee, not even competent to take any decision in this regard.

4. Drawing the attention of this Court to the impugned order as contained in Annexure 5 to the writ petition, it is contended that there is no discussion of the explanation submitted by the petitioner and only on the basis of the recommendation of the DCLR, Danapur, the impugned order has been passed dispensing with the services of the petitioner.

5. It is further contended that since the impugned order attached stigma against the petitioner, atleast the petitioner is required to be given an effective opportunity of hearing. The petitioner has neither been called upon, nor the explanation submitted by the petitioner has been considered while passing the impugned order of termination.

6. Learned Advocate for the State while countering the submission of the learned Advocate for the petitioner contended that admittedly the appointment of the petitioner is contractual in nature. Apart from the fact that the letter of the contract has not been placed on record, it also appears from the impugned order that the petitioner was allowed to file



representation and on being found his representation unsatisfactory, the impugned order has been passed.

7. Having heard the learned Advocate for the respective parties and after going through the impugned order passed by the District Magistrate, Patna, this Court is of the opinion that there is neither any discussion of the charges and the materials which have collected during the course of enquiry, nor any consideration of the show cause explanation of the petitioner. Save and except the findings that the explanation of the petitioner has not been found to be acceptable, there is nothing more.

8. Well settled it is that if State action affects livelihood or attaches stigma, punitive action can be taken only after an enquiry, in keeping with the principles of natural justice. The termination of temporary services on account of misconduct attaches a stigma and is punitive and can not be done without holding a proper enquiry.

9. Suffice it to observe once the stigma attached with the impugned order, or any aspersion has been made while cancelling the appointment of the petitioner, even if it was contractual, the petitioner was required to be offered an effective hearing after full fledged enquiry in compliance with the



principle of natural justice to rebut the accusation/allegation, which is completely left behind in the present case.

10. In that view of the matter this Court finds substance in the present writ petition and accordingly, set aside the impugned order as contained in memo no. 2835 dated 03.10.2024 and relegate the matter to the District Magistrate, Patna, who shall furnish a fresh show cause notice upon the petitioner, preferably within a period of two weeks’ from the date of receipt/production of a copy of this order.

11. On submission of the show cause notice, the petitioner shall file his detailed explanation within a further period of two weeks’ and thereafter the District Magistrate, Patna shall pass a reasoned and speaking order, preferably within a further period of four weeks.

12. The writ petition stands allowed to the extent indicated hereinabove.

(Harish Kumar, J)

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