

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5720 of 2025

Vinod Kumar Son of Shri Jay Lal Sah Resident of Village-Bishrahiya, P.O.-
Dhaka, P.S. Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Urban Housing and Development Department, Government of Bihar.
2. The Joint Secretary, Urban Housing and Development Department, Government of Bihar
3. The District Magistrate, East Champaran.
4. The Additional Collector, East Champaran.
5. The Municipal Executive Officer, Nagar Panchayat- Mehsi, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hitesh Suman, Advocate
For the State	:	Mr. Ajit Kumar, GA- 9
For the Nagar Panchayat	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-04-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Nagar Panchayat.

2. The present writ petition has been filed for the quashing of letter No. 50 dated 11.01.2025 (Annexure-P/9) issued from the office of the Municipal Executive Officer, Nagar Panchayat-Mehsi, East Champaran (respondent No. 5), by which the petitioner's service has been returned to the office of respondent No. 2, effectively removing the petitioner from his position as Executive Assistant in Nagar Panchayat, Mehsi. A



further prayer has been made for directing the respondents to reinstate the petitioner as Executive Assistant in Nagar Panchayat, Mehsi.

3. Learned counsel for the petitioner submits that the petitioner was appointed by the District Magistrate of West Champaran in accordance with the reservation roster and was posted in the office of the Municipal Executive Officer, Nagar Panchayat- Mehsi, East Champaran (respondent No. 5), through Memo No. 806, dated 04.08.2015. Counsel further submits that the petitioner assumed the said post on 09.09.2015, and his contract was subsequently extended. It is also submitted that the petitioner is admittedly a contractual employee whose work contract has been periodically extended. During the relevant period, he was admittedly on duty for respondent No. 5. Counsel further submits that the Joint Secretary, Nagar Vikash and Aawas Vibhag, issued a letter to all the Commissioners/Executive Officers of Municipal Bodies directing them to provide an opportunity for hearing to the employees of Municipal Bodies before taking any action, in accordance with the principles of natural justice. It is further submitted that the petitioner was issued a show-cause notice, to which he duly responded, however, without considering his



response, the letter dated 11.01.2025, bearing Letter No. 50, was issued by respondent No. 5.

4. Learned counsel for the State submits that, admittedly, the petitioner is a contractual employee and, therefore, he has not right as like that of a regular employee. Counsel further submits that a letter issued by the Joint Secretary, Urban Housing and Development Department, Government of Bihar, outlines the methodology for taking action. Accordingly, respondent No. 5 (Municipal Executive Officer) is required to follow the guidelines mentioned in the said letter, contained in Letter No. 2033 dated 19.11.2024 (Annexure- P/6).

5. Learned counsel for respondent No. 5 submits that a show-cause notice was issued to the petitioner, and since the response was found to be unsatisfactory, Annexure P/9 was subsequently issued.

6. Upon perusal of Annexure-P/9, the impugned letter, it transpires to this Court that the letter has been issued in gross violation of the fundamental principles laid down in Annexure-P/6, i.e., Letter No. 2033 dated 19.11.2024, issued by the officials of the State, which is required to be followed by respondent No. 5



7. In view of the fact that the show-cause notice filed by the petitioner has not been considered, this Court hereby set aside the Letter No. 50 dated 11.01.2025 (Annexure-P/9) issued from the office of the Municipal Executive Officer, Nagar Panchayat- Mehsi, East Champaran (respondent No. 5). The Municipal Executive Officer, Nagar Panchayat- Mehsi, East Champaran (respondent No. 5) is directed to accept the petitioner's joining forthwith upon the production of this order. However, liberty is granted to the Respondent No. 5 to take further action in accordance with the law, particularly following the guidelines laid down in Annexure-P/6, i.e., Letter No. 2033 dated 19.11.2024.

8. With this direction, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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