

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13731 of 2013

Sanjay Kumar Son Of Sri Brahamdeo Paswan Resident Of Village Juniya,
P.S. Hilsa, District Nalanda At Present Panchayat Rojgar Sevak, Arpa Gram
Panchayat

... .. Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Department Of Rural Development, Government Of Bihar,
Patna
3. Deputy Secretary, Department Of Rural Development Government Of Bihar,
Patna
4. Director, Panchayati Raj, Government Of Bihar, Patna
5. Assistant Director, Panchayati Raj Department, Government Of Bihar, Patna
6. District Magistrate, Nalanda At Biharsharif
7. Deputy Development Commissioner, Nalanda At Biharsharif
8. Programme Officer, Hilsa, District Nalanda
9. Block Programme Officer, Hilsa, District Nalanda
10. Mukhiya, Gram Panchayat Raj, Arpa, Block Hilsa, District Nalanda

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Dudh Nath Singh, Advocate
For the State	:	Mr. Jawahar Pd. Karn, GA-9 Mr. Arvind Kumar, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 19-08-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. In the present writ application, the petitioner has
challenged the order terminating his contract contained in
Memo No. 1255 dated 06.05.2013 (Annexure-1) by which his
contractual employment as *Panchayat Rojgar Sevak, Arpa* has
been brought to an end alleging dereliction of duty and



indiscipline.

3. Learned counsel appearing for the petitioner has attracted the attention of this Court to the said order dated 06.05.2013 (Annexure-1) by which the contractual employment of the petitioner has been brought to an end. From a bare perusal of the language of the said order, it is apparent that the order is stigmatic in nature and prior to passing the said order no charge-sheet was framed, no inquiry was held and there is no finding of guilt recorded against the petitioner in a duly constituted inquiry. In nutshell, the petitioner has been dismissed from service in the garb of termination of his contract without following the principles of natural justice. From the perusal of Annexure-1, it further transpires that various inquiry reports have taken into consideration, copies of which were never handed over to the petitioner which again is a violation of the principle of natural justice.

4. *Per contra*, the learned counsel appearing for the Respondent-State submits that the petitioner was on a two year contract which was time to time extended and there is a clear stipulation in the contract that if the performance is found to be unsatisfactory then the services of the petitioner can be brought to an end, which was not even required, given the terms of the



contract.

5. As observed hereinabove, from a careful perusal of the impugned order it is apparent that the impugned order is stigmatic in nature and various inquiry reports have been relied upon, copy of which was not submitted to the petitioner. It is a well settled law that irrespective of the nature of employment, if an employee is terminated on allegations of misconduct then a charge-sheet has to be framed and a proper inquiry has to precede the date of termination. In the present case, no such procedure was followed and the petitioner was actually dismissed from service in the garb of termination of his contract of service.

6. Under these circumstances, the impugned order dated 06.05.2013 (Annexure-1) cannot be sustained and, therefore, it is set aside.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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