

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.262 of 2022

In

Civil Writ Jurisdiction Case No.20281 of 2021

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Deepak Kumar Son of Late Prakash Chandra Gupta, Resident of Ward No. 10, Ashram Road Raxaul, Post Office and Police Station- Raxaul, District - East Champaran at Motihari.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Services (I.C.D.S.), Bihar, Patna.
3. The District Collector, East Champaran, Motihari.
4. The District Programme Officer, East Champaran, Motihari.
5. The Child Development Project Officer, Ramgarhwa, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Parth Gaurav, Advocate

For the Respondent/s : Mr. Abhishek Singh, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 07-01-2025

Heard Mr. Parth Gaurav, the learned Advocate for the petitioner and Mr. Abhishek Singh, the learned Advocate for the State.

2. The appellant worked as an Executive Assistant, Child Development Office, Ramgarhwa on contractual appointment for a year which was



extendable. He had joined the service on 18.02.2012 for a period of one year and had got an extension till 04.03.2014.

3. According to him, he was removed unceremoniously on 11.09.2014 for having demanded certain documents to complete his job. That was treated as nuisance in office and he was removed from service.

4. The challenge to the afore-noted removal could not be sustained primarily on account of the fact that on the date of removal, the contract with the employer never subsisted.

5. The issue before the learned Single Judge was, therefore, whether the appellant was entitled for a domestic inquiry before his termination from the post of Executive Assistant on contract basis with reference to the date of termination as 11.09.2014.

6. The Bench decided in the negative and rightly so.

7. If the appellant has worked beyond



04.03.2014 till the date of his termination, he would be entitled to be remunerated for the same, if it is proved that he had worked.

8. However, since this issue was not addressed by the learned Single Judge, the appellant would have the liberty to approach the appropriate forum for payment of his remuneration for the period that he had worked.

9. The L.P.A. stands disposed of accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

manoj/krishna-

AFR/NAFR	NAFR
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