

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8856 of 2025

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Raja Kumar Singh S/o Sri Munshi Singh Resident of Village-Sabdara, P.S.-
Manjhi, P.O. Bangra, District-Saran (Chappra).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Inspector General of Police, Darbhanga, Bihar.
4. The Deputy Inspector General of Police, Darbhanga, Bihar.
5. The Superintendent of Police, Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Miss. Riya Giri, Advocate Mr. Shashank Shekhar Dubey, Advocate
For the Respondent/s	:	Mr. Government Pleader 13

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-09-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. The petitioners prays for the following reliefs
through the present writ application:

- i). To issue writ/order or direction in the nature of Certiorari for setting aside the order contained in memo no.3088 dated 23.10.2024 issued under the signature of Inspector General of Police, Mithila Division, Darbhanga by which the Appeal of the petitioner has been rejected;*
- ii). To issue writ/order or direction in the nature of Certiorari for setting aside the order contained in memo no. 1446 dated 02.06.2020 issued under the signature of Superintendent of Police, by which the*



contract of the petitioner as contractual driver has been terminated with effect from 19.08.2019 and a direction was given to delete the name of the petitioner from all the register;

iii). To issue writ/order or direction in the nature of mandamus commanding the respondents to restore the service of the petitioner with all consequential benefits;

iv). To hold and declare that termination order contained in memo no.3088 dated 23.10.2024 being violative of the principles of natural justice and stigmatic in nature is not tenable in the eyes of law and liable to be quashed and accordingly direct the authorities to grant consequential benefits as a result thereof.

3. Earlier the petitioner had approached this Court vide C.W.J.C. No. 10488 of 2024 to challenge his termination which was disposed on 16.07.2024 with a direction to the respondent authorities to dispose of the appeal of the petitioner. Now the appeal of the petitioner has also been dismissed by order dated 23.10.2024.

4. The learned counsel for the petitioner has reiterated the stand taken earlier and has submitted that the impugned order has been passed in complete violation of principles of natural justice. She has further submitted that the appellate order is also a mechanical order like the original order and the same has been passed without discussing any reason and without



considering the fact that the petitioner has been terminated without following the principles of natural justice.

5. The learned Single Judge in the order dated 16.07.2024 passed in C.W.J.C. No. 10488 of 2024 in paragraph nos. 4 and 5 has held thus:

4. *Learned counsel for the State submits that it is the admitted case of the petitioner that petitioner is a contractual driver and his appointment has been made in the light of the Circular of Personnel and Administrative Reform Department dated 18.07.2007 in which the services of contractual employee has not been treated at par with the regular employee and they are not be treated as government servant and also not be entitled for any benefits related to government servant. He submits that in that view of the matter, there is no need of any conduction of departmental proceeding in the light of CCA Rules, 2005.*
5. *In response thereof, counsel for the petitioner relied on a judgment of Hon'ble Supreme Court in the case of A.P. State Federation of coop. Spinning Mills Ltd. and Another Vs. P.V. Swaminathan reported in (2001) 10 SCC 83 and submits that it has been held by the Hon'ble Supreme Court that the legal position is fairly well settled that an order of termination of a temporary employee or a probationer or even a tenure*



employee, a simpliciter without casting any stigma may not be interfered with by the Court, but when there is a stigma then natural justice ought to be followed.

6. I am also in agreement with the view taken by the learned Single Judge. A temporary and daily wager cannot be terminated without following principles of natural justice i.e., without giving any show cause notice and without giving proper opportunity of hearing.

7. The learned counsel for the State has not been able to show from the impugned order that the petitioner was ever heard i.e., he was ever given any show cause notice and was given any opportunity of hearing before he was terminated from the service.

8. In view of the aforesaid discussions, the writ petition stands allowed. Accordingly, the order contained in memo no.3088 dated 23.10.2024 issued under the signature of Inspector General of Police, Mithila Division, Darbhanga by which the Appeal of the petitioner has been rejected and the order contained in memo no. 1446 dated 02.06.2020 issued under the signature of Superintendent of Police, by which the contract of the petitioner as contractual driver has been terminated with effect from 19.08.2019 are hereby quashed.



9. The respondents are directed to accept the joining of the petitioner on his earlier post forthwith preferably within one week from the date of receipt/communication/production of a copy of this order.

(Sandeep Kumar, J)

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