

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9531 of 2023

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Amarjeet Kumar Son of Sri Rampramod Mahto Resident of Village- Goha,
P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Department/Panchayati Raj Department, Government of Bihar, Patna.
2. The Director, Directorate of Panchayat, Bihar, Patna.
3. The Secretary General Administration, Government of Bihar, Patna.
4. The Deputy Secretary General Administration, Government of Bihar, Patna.
5. The District Magistrate, Sitamarhi.
6. The D.D.C., Sitamarhi.
7. The Sub Divisional Officer, Sitamarhi Sadar.
8. The District Panchayat Raj Officer, Sitamarhi.
9. The Block Development Officer, Parihar, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar
For the Respondent/s : Mr.Kumar Alok (Sc 7)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 07-05-2025

This petition has been preferred by the petitioner challenging the order dated 06.06.2022 passed by the District Panchayat Raj Officer, Sitamarhi whereby the contractual service of the petitioner has been terminated. Further challenge is to the



order dated 13.05.2023 passed by the Collector, Sitamarhi in Service Appeal No 27 of 2022 whereby the Collector, Sitamarhi dismissed the appeal preferred by the petitioner.

2 Brief facts of the case are that the petitioner was selected as Technical Assistant on contractual basis and vide Memo No 672 dated 27.06.2019 (Annexure 3), he was posted in Parihar Block, Sitamarhi. Subsequently, he was also given the charge of Naranga Uttari Panchayat in Parihar Block. Meanwhile, on the basis of report made by one Tanya Kumari, Parihar PS Case No 91 of 2021 for the offence under Sections 363, 366 of Indian Penal Code has been registered against the petitioner. The petitioner was arrested on 14.07.2021 and sent to the jail. Subsequently, on grant of regular bail by this Court, he was released from jail on 22.02.2022. Thereafter, on 23.02.2022, the petitioner made an application wherein he prayed for his rejoining on the post. However, vide order dated 06.06.2022, his services have been terminated on the ground that the application submitted by him was not found satisfactory. Against the said order, the appeal filed by the petitioner before the Collector, Sitamarhi has also been rejected.

3 Learned counsel for the petitioner would submit that without giving him any opportunity of hearing, the impugned



order has been passed by the respondents. The explanation submitted by the petitioner was also not considered by the authorities while passing the order. Lastly, he submits that as of now, the trial Court, vide its judgment dated 17.07.2023, acquitted the petitioner from all the charges levelled against him. Therefore, on these grounds, both the orders impugned are liable to be set aside.

4 Learned counsel for the respondents opposes the argument raised by the learned counsel for the petitioner and submits that explanation provided by the petitioner was not found satisfactory. Therefore, his services have been rightly terminated.

5 I have heard learned counsel for the parties. Perused the documents annexed with the writ petition as well as the counter affidavit.

6 Undisputedly, the petitioner was appointed on contractual basis. It is also not in dispute that on the basis of registration of Parihar PS Case No 91 of 2021, he was in jail from 14.07.2021 to 22.02.2022. Perusal of Clause 12 of ***Sankalp*** of Panchayati Raj Vibhag dated 25.07.2018 (Annexure 1) clearly shows that Zila Panchayati Raj Padhadhikari is empowered to terminate the services of the employee. Clause 12 of the said ***Sankalp*** further clarifies that before passing the order of



termination, opportunity of hearing is necessary. However, in the case of the petitioner, no opportunity of hearing was given to the petitioner before terminating his services. When the petitioner made the application permitting him to join his duties then only the show cause (Annexure 8) was issued. Perusal of the show cause (Annexure 8) further shows that in the show cause, it is not mentioned that whatever action is sought to be taken by the authority. The order impugned (Annexure 10 dated 06.06.2022) further shows that while passing the said order, the explanation submitted by the petitioner has not been considered by the authority. Thus, in the matter of the petitioner of this case, there is clear cut violation of principles of natural justice as no proper opportunity of hearing was given to the petitioner. Therefore, on this ground alone, the order impugned (Annexure 10 dated 06.06.2022) and the appellate order dated 08.12.2022 (Annexure 11) are liable to be set aside.

7 Accordingly, both the orders dated 06.06.2022 (Annexure 10) and 08.12.2022 (Annexure 11) are quashed and set aside.

8 The respondents are directed to reinstate the services of the petitioner forthwith.



9 However, the respondents will be at liberty to take fresh action against the petitioner in accordance with law, if so advised.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2025
Transmission Date	NA

