

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.490 of 2022

In

Civil Writ Jurisdiction Case No.6524 of 2019

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Murlidhar Mishra Son of Dhurva Narayan Mishra, Resident of Village -
Chopra Bazar, P.S. - Janki Nagar, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development and Panchayat Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development and Panchayat Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Purnea.
4. The District Panchayat Raj Officer, Purnia, District- Purnia.
5. The Sub Divisional Officer, Banmankhi, District- Purnea.
6. The Block Development Officer, Banmankhi, District- Purnea.
7. The Nodal Officer-cum-B.W.O., Banmankhi, District- Purnea.
8. The Sarpanch, Gram Kachahari, Ram Nagar, Farsahi, Millik Block- Banmankhi, District- Purnea.
9. The Secretary, Gram Kachahari, Ram Nagar, Farsahi, Millik, Block- Banmankhi, District- Purnea.
10. Sri Hari Nandan Yadav Son of Baldev Yadav, Resident of Village-Pipra, P.S.- Banmankhi, District- Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sharda Nand Mishra, Advocate Mr. Mira Kumar, Advocate Mr. Atul Kumar, Advocate Mr. Dhandev Kumar, Advocate
For the Respondent/s	:	Mr.Ajay (GA5)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-03-2025

Appellant has assailed the order of the learned Single

Judge dated 17.08.2022 passed in CWJC No. 6524 of 2019.

2. The matter relates to selection and appointment to the post of Nyaya Mitra. The appellant was selected and appointed to the post of Nyaya Mitra. Abruptly, his selection and appointment has been cancelled on the alleged allegations relating to certain complaint by third party. In this regard, from perusal of the records it is evident that the appellant has not been heard to the extent of issuance of show cause notice and seeking his explanation and thereafter consideration of a complaint read with the appellant's explanation. In the absence of these material information, it is crystal clear that there is violation of the principles of natural justice. The same has not been appreciated by the learned Single Judge.

3. Accordingly, order of the learned Single Judge dated 17.08.2022 passed in CWJC No. 6524 of 2019 read with the impugned order in the writ petition stands set aside.

4. The LPA stands allowed, reserving liberty to the concerned official respondents to proceed in accordance with law. If there is any serious complaint in that event appellant shall be provided an opportunity of oral hearing. The appellant is also permitted to file his detailed explanation to the show cause to be issued by the concerned official respondents. The above exercise shall be completed within a period of four

months from the date of receipt of this order.

5. Pending I.A. if any, stands disposed of.

6. At this stage, learned counsel for the respondents submit that the complainant is required to be heard in the matter in view of the allegation and counter allegation on behalf of the appellant and complainant, competent authority is directed to hear who are all stake holders in the matter.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2025
Transmission Date	NA