

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.743 of 2021

In
Civil Writ Jurisdiction Case No.8973 of 2019

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The State of Bihar & Ors.

... .. Appellant/s

Versus

Sushmita Kiran & Ors.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms.Binita Singh, SC28 Mr.Vivek Anand Amritesh (A.C. To S.C.28)
For the Respondent/s	:	Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

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

4 25-03-2025

Re: I.A. No. 01 of 2022

The appellants – State has assailed the order of learned Single Judge dated 21.01.2021 passed in CWJC No. 8973 of 2019. There is a delay of about 305/268 days insofar as filing LPA. The learned Single Judge has quashed the order of termination of the contesting respondents on the sole ground that before termination they have not been heard in the matter. Such termination is on account of certain alleged misdeeds stated to have been committed by the contesting respondents.

2. Having regard to the fact that termination order has been set aside on technicality. It is a case for condonation of delay in filing LPA. Therefore, delay of about 305/268 days



stands condoned.

3. Accordingly, I.A No. 01 of 2022 is allowed.

4. With the consent of respective parties, the present LPA is taken up for final disposal.

5. Short question for consideration in the present *lis* is whether matter is required to be remanded for holding domestic inquiry against the contesting respondents or not? Undisputed facts are that contesting respondents services have been terminated on 11.10.2019 without resorting to principles of natural justice like issuance of notice or holding a domestic inquiry. The learned Single Judge has committed error to the extent of not remanding the matter to the concerned authorities/competent authority insofar as giving liberty to the competent authority to initiate such proceedings and after due following the rule of law. Therefore, appellants have made out a case so as to interference with the order of learned Single Judge dated 21.01.2021 only to the extent of remanding the matter to the competent authority to re-open the file and proceed further in accordance with law after providing ample opportunity of written/oral hearing to the contesting respondents including domestic inquiry/oral inquiry, if any.

6. The above proceedings shall be completed within a



period of six months from the date of receipt of this order. To the above extent order of learned Single Judge dated 21.01.2021 passed in CWJC No. 8973 of 2019 stands modified.

7. Accordingly, the present LPA No. 743 of 2021 stands allowed in part.

8. If the appellants have not re-instated the contesting respondents as on this day, they are bound to re-instate as well as consequential monetary benefits shall be calculated and disburse in favour of the contesting respondents. Thereafter, they are permitted to take action in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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