

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18436 of 2023

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Kumar Suryamani Son of Bachchu Singh, Resident of P.O.- Lalbigha, P.S.- Kasichak, Parbati, District- Nawada, Pin Code- 805108.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Development Department, Bihar, Patna.
2. Secretary, Rural Development Department, Bihar, Patna.
3. District Magistrate, Nalanda.
4. Deputy Development Commissioner-cum-Additional District Programme Convener, District Rural Development Agency, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushkar Bharadwaj, Advocate
For the Respondent/s : Mr. Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-09-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This writ petition has been filed for the following
reliefs:-

(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 06/10/2023 passed by the Secretary, Rural Development Department of the State Government, by which the review petition filed by the petitioner against the order dated 04/03/2023 passed by the District Magistrate-cum-District Programme Convener, District Rural Development Agency, Nalanda by which the appeal preferred by the petitioner against the



order dated 22/07/2021 passed by the Deputy Development Commissioner-cum-District Programme Convenor, Nalanda, by which the services of the petitioner have been terminated with immediate effect had been rejected;

(ii) *Issuance of a direction, order or writ including writ in the nature of certiorari quashing the order dated 04/03/2023 passed in Miscellaneous Service Appeal (Case No.) 25/2021 by the District Magistrate, Nalanda, by which the appeal preferred by the petitioner against the order dated 22/07/2021 passed by Deputy Development Commissioner-cum-Additional District Programme Convener, District Rural Development Agency, Nalanda has been rejected;*

(iii) *Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 22/07/2021 bearing memo no. 1262 passed by the Deputy Development Commissioner-cum-Additional District Programme Convener, District Rural Development Agency, Nalanda, by which the services of the petitioner have been directed to be terminated with immediate effect in the most illegal and arbitrary manner;*

(iv) *Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under District Rural Development*



Agency, Nalanda to reinstate the petitioner in the capacity of Panchayat Technical Assistant along with all consequential benefits that he has been deprived of on account of the aforesaid order dated 22/07/2021 bearing memo no. 1262 passed by the Deputy Development Commissioner-cum-Additional District Programme Convener, District Rural Development Agency, Nalanda, by which the services of the petitioner have been terminated in the most illegal and arbitrary manner;

(v) Issuance of a declaration holding that the action on the part of the concerned respondent authorities in terminating the services of the petitioner is highly arbitrary, unreasonable and in blatant disregard and violation of articles 14, 16 and 21 of the Constitution of India and also the principles of natural justice;

3. The learned counsel for the petitioner submits that from Annexure-3, it is clear that the State has relied upon an Enquiry Report which was never served to him along with the show cause notice. He further submits that the petitioner was never heard after he submitted his show cause reply. Moreover, he further submits that the petitioner was granted only two days time to file his show cause.

4. The learned counsel for the State has taken this



Court to paragraph nos. 6, 7 and 8 of the counter affidavit and has submitted that the petitioner was served with a show cause notice, thereafter, the impugned order has been passed.

5. From the records and from the counter affidavit, the learned counsel for the State has not been able to satisfy this court as to whether the Enquiry Report was served upon the petitioner and whether the petitioner was heard before the impugned order of termination was passed.

6. In these circumstances, the termination of the petitioner is held to be illegal as the impugned order of termination is in complete violation of the Principles of Natural Justice.

7. Accordingly, the impugned order dated 06/10/2023 passed by the Secretary, Rural Development Department of the State Government; the order dated 04/03/2023 passed in Miscellaneous Service Appeal (Case No.) 25/2021 by the District Magistrate, Nalanda; and the order dated 22/07/2021 bearing memo no. 1262 passed by the Deputy Development Commissioner-cum-Additional District Programme Convener, District Rural Development Agency, Nalanda, are hereby quashed.

8. The petitioner is directed to be reinstated in the



capacity of Panchayat Technical Assistant forthwith considering the fact that the termination of the petitioner has been held to be illegal. The petitioner shall be entitled to 50% of the salary for the entire period of termination.

9. The State is given liberty to initiate a fresh proceeding in accordance with law.

10. With the aforesaid observation and direction, the writ petition stands allowed.

(Sandeep Kumar, J)

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