

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3573 of 2025

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Rahul Kumar Son of Shri Gopal Thakur, Resident of Dilkushbhag
(Rambhag), Road No. 3, Dharbhanga, P.S. LNMU, Bihar, PIN- 846008.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Industries Department, Govt. of Bihar, Patna.
2. The Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, Gandhi Maidan, Patna.
3. The Chairman, Bihar Industrial Area Development Authority, Patna.
4. The Executive Director (South), Bihar Industrial Area Development Authority, Patna.
5. The Secretary, Bihar Industrial Area Development Authority, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Venkatesh Kirti, Advocate
For the State	:	Mr. Additional Advocate General (12)
For the BIADA	:	Mr. Parth Gaurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-03-2026

Heard learned Senior counsel for the petitioner,
learned counsel for the State and learned counsel for the Bihar
Industrial Area Development Authority (BIADA).

Re:- I.A. No. 1 of 2025

Learned Senior counsel for the petitioner submits
that he is not pressing this interlocutory application, as the same
has become infructuous.

2. As such, the present I.A. No. 1 of 2025 stands
dismissed, as having become infructuous.



Re:- C.W.J.C. No. 3573 of 2025

The present writ petition has been filed for issuance of appropriate writ/writs, order/orders, direction/directions commanding upon the respondent authorities for the following relief/s:-

“I. For issuance of writ in nature of certiorari quashing the Memo No. 3525 dated 30.05.2023 wherein the contract of employment of the Petitioner has been terminated under clause 7 of the contract whereby and whereunder on wrong assumption of facts and law the services of the petitioner has been terminated.

II. For issuance of writ in nature of certiorari quashing the Appellate Order dated 09.12.2024 passed by the Chairmen of respondent authority wherein the Chairmen has refused to interfere with order of termination without considering the submission and facts of the case.

III. For issuance of writ in nature of Mandamus directing the Respondent authority holding that the petitioner is entitled to continue in service of the Board without any hindrance and the petitioner is further entitled to the salary/remuneration as he was getting immediately prior to issuance of the impugned resolution of



termination.

IV. For any other relief to which Petitioner may be entitled.”

2. Learned Senior counsel for the petitioner submits that admittedly, the petitioner is an employee of the Bihar Industrial Area Development Authority (hereinafter referred to as ‘BIADA’) though, he has entered on the post of Assistant Development Officer by virtue of contractual appointment w.e.f. 01.09.2007 followed by an agreement prepared between the BIADA and the petitioner dated 01.09.2007. Senior counsel submits that the petitioner has served the department with full satisfaction, but the allegation has been made against him that he in connivance with two other officers viz., the Director and the Development Officer, has entered into a lease on behalf of BIADA with one M/s Punarsar Jute Park Ltd., by which the BIADA suffered great loss. Senior counsel submits that in this regard, a show cause has been issued to the petitioner in the month of April, 2017. The petitioner filed his reply to the said show cause on 26.04.2017 in which he has taken the plea that the petitioner is Class-III employee, whereas, the lease was executed only after due approval from his superiors viz., the Director and the Development Officer. Senior counsel submits



that a Three Men Committee was set up for the alleged wrong. The petitioner was demanded the certain documents by virtue of Annexure-P/9 which was never been provided to him and only due to this reason, he could not filed the reply before the Three Men Committee. In result, the report of Three Men Committee come against the petitioner and treating the Three Men Committee a gospel truth, the petitioner has been removed.

3. Learned Senior counsel for the petitioner further submits that the respondent authorities without supplying the copy of the documents terminated the contract of service of the petitioner *vide* Memo No.3525 dated 30.05.2023 (Annexure-P/10) alleging that the petitioner has breached the terms of the contract. He submits that the petitioner was removed in the light of Clause-7 of the said agreement which categorically states that the Second Party can terminate the services of the First Party even in the midst of the contract period in case of no need, in the event of abolition of post, or due to the closure of the project warranting such termination thereupon. Senior counsel submits that none of the points mentioned in Clause-7 of the agreement is available. Therefore, he submits that the said termination is bad. He further submits that the Government of Bihar through General Administrative Department has issued a letter for



protection of contractual employees which has been approved by the High Level Committee of the State of Bihar in which, the services of the petitioner has also been protected for the employees of BIADA and in case of removal, the provision of appeal has been provided. Senior counsel submits that the provision of appeal has been exhausted by the petitioner, but the appellate order is also defective as, removal of the petitioner has been made in terms of Clause-7 of the agreement, whereas, in the entire order passed by the Original Authority and the Appellate Authority, no ingredients of Clause-7 is available. Therefore, he submits that both the orders i.e. order passed by the Original Authority and order passed by the Appellate Authority are bad in law and fit to be set aside.

4. Learned counsel appearing for the BIADA, on the other hand, submits that it is true that the petitioner is a contractual employee and his contract has been protected by the letter of the General Administrative Department, Government of Bihar and provision of appeal has also been provided to him. He submits that for the wrong done by the petitioner as alleged in the show cause, he has submitted his reply and in the light of receiving its show cause, a Three Men Committee was set up. The petitioner appeared before the Three Men Committee,



demanded certain documents, and the entire files have been provided to him which he has perused twice and thereafter, started demanding the certain copy of those documents. And in this name, he has not filed his explanation before the Three Men Committee. In result, the Three Men Committee submitted its report within the stipulated time and on the basis of that, the Original Authority has passed order against the petitioner which is a reasoned order and absolutely in accordance with law. The order of the Original Authority was also tested before the Appellate Authority. He, therefore, submits that there is absolutely no illegality in both the orders and the same be affirmed, and the present writ petition be dismissed.

5. Upon perusal of the order passed by the Original Authority, it transpires that the termination of the petitioner has been made in light of Clause-7 of the agreement. Clause-7 of the said agreement states as follows:-

“That the Second Party can terminate the services of the First Party even in the midst of the contract period in case of no need, in the event of abolition of post, or due to the closure of the project warranting such termination thereupon.”

6. Upon perusal of said Clause-7 of the agreement,



it transpires that the said termination can be made in case of (i)- violation in the event of abolition of post, ii) due to closure of the project. Here in the present case, none of the points are available. Therefore, this Court is of the view that both the orders are fit to be set aside on the ground that on the basis of Clause-7 of the agreement, the petitioner cannot be terminated.

7. Hence, the order passed by the Original Authority dated 30.05.2023 contained in Memo No.3525 (Annexure-P/10) and the order passed by the Appellate Authority dated 09.12.2024 in Service Appeal No. 01/2023 (Annexure-P/12), both are hereby set aside. This Court hereby remanded back the matter to the Original Authority to pass order afresh, within 90 days from the date of receipt/production of a copy of this order.

8. Since, the order passed by the Original Authority and order passed by the Appellate Authority have been set aside, therefore, only liberty and opportunity is being given to the petitioner to file his reply to the show cause without making unnecessary delay on any ground. The petitioner is permitted to file his reply within two weeks from the date of production of this order and the authorities concerned shall pass order thereafter.



9. Accordingly, with the aforesaid observation and direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	26/03/2026
Transmission Date	NA

