

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4218 of 2022

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Raj Kumar Sinha Son of Late Balrem Prasad Resident of Subhash Nagar,
Salahi Factory to Dhaka Road, P.s. - Town, Motihari, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Deputy Secretary - Cum- Director, Urban Development and Housing Department, Government of Bihar, Patna.
5. The Municipal Commissioner, Municipal Council, Motihari.
6. Nagar Parishad, Motihari Through the Executive Officer.
7. The Executive Officer, Nagar Parishad, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar, Advocate Mr. Mukesh Kumar, Adv. Ms. Aradhna Kumari, Adv. Mr. Akash Deep, Adv.
For the State	:	Mr. Yogendra Pd. Sinha (AAG-7) Mr. Rajeev Kr Sinha, ACtoAAG-7
For the Municipal Corporation, Motihari	:	Mr. Surendra Pd. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-01-2026 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Municipal

Corporation, Motihari.

2. The present writ petition has been filed for the

following reliefs:-

*a. For quashing of Letter No. 19
dated 05.01.2022 issued by the Municipal*



Commissioner, Municipal Council, Motihari whereby and where under petitioner has been removed from service of Tax Collector of Motihari Nagar Parishad without initiating any departmental proceeding and considering the representation of the petitioner in its true prospective.

b. For direction to the respondent authorities to allow the petitioner to continue as Tax Collector in Nagar Parishad, Motihari.

c. For any other relief/reliefs for which the petitioner is found entitled too.

3. Learned counsel for the petitioner submits that the petitioner was appointed on the basis of an advertisement published in the daily newspaper *Dainik Jagaran* to the post of Account Assistant, Tax Collector, Computer Operator, and Back-Hu Loader Driver on a contract basis. Counsel further submits that the petitioner used to perform all four types of work assigned by the organization, and an appointment letter had also been issued to him. In light of the directions given by the Executive Officer, Nagar Parishad, Motihari, he started performing various types of work. However, the petitioner was removed from the service of Tax Collector without initiating any departmental proceedings and without being given a proper



opportunity of hearing, vide Letter No. 1808 dated 01.10.2020.

4. Thereafter, the petitioner approached this Court in CWJC No. 1949 of 2021, in which, vide order dated 14.12.2021, the petitioner was directed to furnish his further explanation within a period of one week from the date of receipt of the order. On receipt of the petitioner's explanation, the competent authority was directed to proceed to pass order in accordance with law. With these observations, the earlier writ petition was allowed in part in favor of the petitioner.

5. Counsel further submits that thereafter, the petitioner filed a representation, but the respondents were prejudiced against the petitioner and passed an order dated 05.01.2022, by which the petitioner was removed from the post of Tax Collector. Thereafter, the petitioner again moved before this Court.

6. It transpires to this Court that the Commissioner, Nagar Parishad (now Municipal Corporation), has passed an order for the removal of the petitioner.

7. In the present facts and circumstances, the petitioner is hereby directed to challenge the same by filing a representation before the Secretary, Urban Development and Housing Department, Government of Bihar, Patna (respondent



no. 3), within 30 days from the date of this order. Respondent no. 3 is hereby directed to pass a reasoned and speaking order after hearing both parties, within 90 days thereafter.

8. It is made clear that the counting of time shall be made from the date of appearance of both parties, i.e., the petitioner and the Municipal Commissioner, Municipal Council, Motihari.

9. In view of the above, the present writ petition stands disposed of.

(Dr. Anshuman, J.)

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