

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.286 of 2025
In
Civil Writ Jurisdiction Case No.7951 of 2023

=====

Sohan Prasad Son of Khenhar Sah Resident of Village - Malkauli, Police Station - Bagaha (Patkhauli), District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Muzaffarpur, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Bettiah, West Champaran.
4. The District Programme Officer, Integrated Child Development Skim, Bettiah, West Champaran.
5. The Deputy Collector, Establishment, Bettiah, West Champaran.
6. The Sub-Divisional Magistrate, Bagaha, West Champaran.
7. The Child Development Project Officer, Bagaha- 1, West Champaran.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shahbaj Alam, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, G.A.-7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-03-2026

This Letters Patent Appeal has been filed by Sohan Prasad challenging the order dated 22.01.2025 passed by the learned Single Judge in C.W.J.C. No. 7951 of 2023, whereby the writ petition filed by the appellant was dismissed.

2. The appellant was appointed as a Statistical Assistant on 09.12.2011 and was subsequently posted at Sikta Block in the office of the C.D.P.O. on 20.06.2012. The appointment of the appellant was purely on a contractual basis for a period of one year. However, the contractual engagement was extended from time to time, and the appellant continued to



discharge his duties until he was dismissed by the order dated 19.07.2021.

3. It is the case of the appellant that, as per the Circular dated 09.09.2020 issued by the Social Welfare Department, Government of Bihar, contractual employees were to continue in service until they attained the age of 60 years.

However, while the appellant was discharging his duty, he received a show-cause notice dated 05.09.2019, issued by the C.D.P.O., Bagaha-I, alleging certain irregularities in the appointment of Anganwadi Sevika/Sahayika, and the appellant was asked to submit his reply. It is further stated that the appellant was asked by the office to hand over charge to one Shambhu Pandey, Clerk. Subsequently, the appellant received another show-cause notice dated 28.09.2019, to which he submitted his reply.

According to the appellant, the enquiry conducted on the basis of which punishment was imposed was not in accordance with law, and the replies submitted by him to the show-cause notices were not properly considered. Ultimately, the appellant was dismissed from service with effect from 19.07.2021, and the said order was later on confirmed by the Divisional Commissioner, Muzaffarpur, vide order dated



10.04.2023.

4. After issuance of notice, Respondent Nos. 3 to 7 filed a counter affidavit in the writ petition, wherein it has been stated that a written complaint was filed by one Brij Nandan Prasad before the District Magistrate, West Champaran, Bettiah. In the said complaint, it was alleged that the petitioner, along with one Anita Kumari, were indulged in taking bribes/illegal gratification from candidates for the selection of Anganwadi Sevika/Sahayika.

Upon receipt of the complaint, the District Magistrate, West Champaran, directed for an enquiry to be conducted into such allegations. In compliance with the said direction, the Sub-Divisional Officer, Bagaha constituted a four-member committee of officers to enquire into the allegations levelled against the petitioner.

After conclusion of the enquiry, the committee submitted its enquiry report, with clear finding against the petitioner along with a recommendation for his removal from service. Upon receipt of the enquiry report, the District Magistrate, West Champaran, Bettiah issued a show-cause notice to the petitioner with reference to the findings recorded in the enquiry report.



Since the petitioner did not submit his show-cause reply within the stipulated time, another letter was issued directing him to file his reply. Subsequently, the petitioner submitted his show-cause reply.

After considering the enquiry report submitted by the S.D.O., Bagaha-I, as well as taking note of the serious allegations levelled against the petitioner, the District Magistrate, West Champaran, Bettiah came to the conclusion that the petitioner had violated the terms and conditions of his contractual appointment. Accordingly, the contractual engagement of the petitioner was cancelled with effect from the date of issuance of the letter dated 19.07.2021.

5. The order passed by the District Magistrate, West Champaran was also affirmed by the Commissioner, Tirhut Division, Muzaffarpur in Service Appeal No. 62 of 2021.

6. The petitioner thereafter filed a rejoinder affidavit to the counter affidavit filed by Respondent Nos. 3 to 7, wherein it was stated that the enquiry conducted at the instance of the District Magistrate was not proper and that the petitioner was not given an adequate opportunity to produce evidence in his defence. It was further contended that the impugned order suffers from non-application of mind.



7. The learned Single Judge, after hearing the parties, held that the petitioner had been accorded adequate opportunity of hearing, notwithstanding the fact that he was a contractual employee. The learned Single Judge further observed that the irregularities and allegations of corruption against the petitioner were found to be proved in the enquiry. Accordingly, the learned Single Judge did not find any irregularity or perversity in the order passed by the authorities removing the petitioner from contractual service.

8. Learned counsel for the appellant first submitted that the enquiry report suffers from perversity, on the ground that the complainant himself acted as the enquiry officer. However, when a query was put to the learned counsel as to whether such a stand had been taken in the writ petition, the answer was in the negative. Moreover, no material has been produced before us to show that the complainant, Brij Nandan Prasad, had acted as the enquiry officer. In fact, from the pleadings on record, it appears that Brij Nandan Prasad was merely the complainant and that the enquiry was conducted by a four-member enquiry committee. Therefore, the said contention is not acceptable.

9. The second contention raised by the learned



counsel for the appellant relates to the alleged violation of the principles of natural justice during the course of the enquiry. However, upon perusal of the writ petition as well as the counter affidavit, we find that the four-member committee constituted by the S.D.O., Bagaha-I had provided the petitioner an opportunity to submit his reply; whereupon the enquiry report was submitted. Thereafter the petitioner was again given an opportunity to submit his show-cause reply. Considering that the petitioner was a contractual employee, the minimum requirements of natural justice appear to have been duly followed.

10. It would be pertinent to observe that a writ court is entitled to judicially review the action and determine whether there was any illegality, perversity, unreasonableness, unfairness or irrationality that would vitiate the action, no matter the action is in the realm of contract. The Hon'ble Supreme Court while emphasizing the aforesaid proposition in the case of *Gridco Ltd. & Anr. -Vrs.- Sadananda Doloi & Ors., reported in (2011) 15 SCC 16*, has categorically observed that the judicial review cannot extend to the Court acting as an appellate authority sitting in judgment over the decision. The Court cannot sit in the armchair of the Administrator to decide whether a more



reasonable decision or course of action could have been taken in the circumstances. So long as the action taken by the authority is not shown to be vitiated by the infirmities referred to above and so long as the action is not demonstrably in outrageous defiance of logic, the writ court would do well to respect the decision under challenge.

11. The legal position, as enunciated by the highest Court of the land, is that if the action of the authorities is mala fide, arbitrary, irrational, disproportionate, or unreasonable, the Court, while exercising the power of judicial review, can interfere with the actions of the respondent authorities, provided that such a plea on the aforesaid grounds is taken at the first instance.

12. What emerges from the law laid down by the Hon'ble Supreme Court is that if an order is based on imputations and allegations, it is termed as stigmatic and punitive. In such circumstances, the services of an employee, even on a contractual basis, cannot be dispensed with without affording him an opportunity to defend himself against the accusations/allegations through a duly conducted enquiry.

13. In the present case, the petitioner was subjected to an enquiry and was given an appropriate opportunity of



hearing. However, upon being dissatisfied with the show cause reply submitted by the petitioner, the impugned order of termination came to be passed.

14. In view of the above, it cannot be said that the impugned order passed by the learned Single Judge suffers from any perversity or unreasonableness. Further, keeping in mind the limited scope of interference in a Letters Patent Appeal, we are not inclined to interfere with the same.

15. Accordingly, the appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.03.2026
Transmission Date	

