

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9353 of 2024

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Bibi Zinat Wife of Md. Tanweer Alam, Resident of Village- Officers Colony
Mirchai Bari, Buddhu Chowk near Garib Nawaz Masjid, Police Station-
Katihar, District- Katihar, Pin Code- 854105.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Purnea, Division- Purnea.
3. The Collector and District Magistrate, Katihar, District- Katihar,
4. The Secretary to the Commissioner, Purnea Division, Purnea, District- Purnea.
5. The Establishment Deputy Collector, Katihar, District- Katihar.
6. The Circle Officer of Anchal- Balrampur, District- Katihar.
7. The Block Development Officer, Barsoi Block, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate Ms. Akanksha Malviya, Advocate
For the State	:	Mr. Government Pleader-19 Mr. Swapnil Kumar Singh, (AC to GP-19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing of the Letter No. 320/Establishment, Katihar dated 02.03.2024 issued in accordance with the order of the District Magistrate, Katihar passed in File No. 36-04/2023 dated 28.02.2024 as well as in the light of the directions contained in Letter No. 3622 dated 11.06.1998. Further prayer has been made



for quashing of the Letter No. 1759 dated 22.04.2024 issued under the signature of Secretary to the Commissioner, Purnea Division Purnea. Further prayer has been made for holding that the period starting from 05.07.2022 to 31.08.2022 has wrongly and illegally been treated as the period of unauthorized absence of the petitioner from service and the said period has been directed to be treated as leave without pay and the same has been treated to be entered in the service book of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner being aggrieved from the decision of the Additional Collector contained in Letter No. 320/Establishment, Katihar dated 02.03.2024 (Annexure-P/1), submitted her representation dated 05.04.2024 before the Divisional Commissioner, Purnea which is annexed as Annexure-P/13 and explained the entire situation by enclosing various annexures. But, only two line order has been passed and her application was rejected. Counsel submits that the rejection in this manner, without considering the representation along with the annexed documents, is in absolute violation of principles of natural justice.

4. Learned counsel for the State submits that the petitioner was on leave, even then she want to take benefit of the same. In this regard, the concerned respondent authorities



were not ready and therefore, at both the levels i.e. at the level of the Collector and at the level of the Commissioner, her claim has been rejected.

5. Upon perusal of the Annexure-P/2 i.e. Letter No. 1759 dated 22.04.2024 issued under the signature of Secretary to the Commissioner, Purnea Division, Purnea, only this statement has come:-

“उपर्युक्त विषयक आपके आवेदन दिनांक 05.04.2024 एवं संलग्न कागजातों के अवलोकन एवं समीक्षोपरांत निदेशानुसार जिला स्थापना उप समाहर्ता, कटिहार के पत्रांक 320/स्था० दिनांक 02.03.2024 से सहमत होते हुए आपके आवेदन को संचिकास्त किया जाता है।”

6. It transpires to this Court that passing order in this way is absolutely in violation of principles of natural justice. Therefore, the Letter No. 1759 dated 22.04.2024 (Annexure-P/2) is hereby set aside. It is directed to the Divisional Commissioner, Purnea, Division- Purnea (Respondent no.2) to pass a fresh speaking order on the representation filed by the petitioner i.e. Annexure-P/13, within 90 days from the date of production of a copy of this order. It is made clear that if



required, the Divisional Commissioner, Purnea, shall call the petitioner either in person or through her advocate, and hear the matter and then pass order. The counting of said 90 days shall be started from the date of appearance of the petitioner.

7. Accordingly, this writ petition stands disposed off.

(Dr. Anshuman, J)

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