

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6172 of 2017

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Gyan Gourav, Son of Late Bedanand Das, resident of Shastri Nagar, P.O.-
Madhubani, P.S.- K.Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar, the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The District Sub Registrar, Purnea.
4. The Deputy Collector (Establishment), Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Asha Verma, Advocate Mr. Manish Kumar, Advocate Mr. Amit Kumar Anand, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-02-2026

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following reliefs :-

*“(i) For issuance of a writ in the
nature of Certiorari for quashing of the order
contained in Memo no. 885 dated 10-11-2016
(Anx.-6) issued under the signature of the District
Sub Registrar, Purnea the respondent no. 3 by
which in the light of the order contained in letter
no. 1863/Astha. dated 9-11-2016 (Anx.-5) passed
by the respondent no. 2, the engagement of the*



petitioner as Executive Assistant has been cancelled.

(ii) For issuance of an appropriate writ for quashing of the order contained in letter no. 1863 Astha. dated 9-11-2016 (Anx.- 5) passed by the respondent no. 2 by which, in the light of the order passed on the complaint received under Public Complaint redressal Right Act, the respondent no. 2 has directed immediately to cancel the engagement of the petitioner and to report.

(iii) For issuance of an appropriate writ directing and commanding the respondents to give the petitioner all consequential benefits including the reinstatement of the petitioner in his service immediately with arrear and current wages after quashing the aforesaid order contained in Memo no. 885 dated 10-11-2018 (Anx.-6) and the order contained in letter no. 1863 Astha. dated 9-11-2016 (Anx.- 5).

(iv) For any other relief/reliefs of which the petitioner is legally entitled to.”

3. It is the case of the petitioner that pursuant to the respondents coming out with an advertisement/notice on 10.6.2013 for engagement of Executive Assistants on contract basis, the petitioner applied and having appeared in the written examination and the Computer Eligibility Test (CET), he succeeded. In the panel of candidates prepared on 18.10.2013 (Annexure-3), the name of the petitioner figured at Serial



no.289.

4. It is submitted by learned counsel for the petitioner that in the total list of 315 candidates, there were star marked against the marks granted to a number of candidates which denoted that they have only been provisionally selected and their final selection would be subject to their passing the CET which was expected to be re-conducted within a short period. If those candidates who had not cleared the CET is taken out, the merit position of the petitioner would improve from serial no.289 to serial no.202.

5. Learned counsel for the petitioner further submits that the petitioner started working as Executive Assistant to the satisfaction of all concerned, however he was surprised to receive an order contained in letter dated 9.11.2016 of the District Magistrate, Purnea which was to the effect that pursuant to an order passed under the Bihar Right to Public Grievance Redressal Act, his selection is being cancelled. The consequential order dated 10.11.2016 was communicated under the signature of the District Sub Registrar, Purnea.

6. Learned counsel for the petitioner submits that no notice whatsoever has been given to the petitioner prior to the order cancelling the petitioner's selection on contract basis. The



orders impugned are fit to be set aside on this ground alone.

7. The application is opposed by learned counsel for the respondents. It is submitted that the order contained in letter dated 9.11.2016 cancelling the petitioner's selection was pursuant to the order passed under the Right to Public Grievance Redressal Act. A copy of the said order dated 10.9.2016 of the District Public Grievance Redressal Officer, Purnea has been produced, a copy of which has been provided by learned counsel for the respondents to learned counsel for the petitioner. It is thus submitted that in view of the contents of the said order dated 10.9.2016, the petitioner has no case and as such the writ application be dismissed.

8. Heard learned counsel for the parties and perused the material on record.

9. The facts leading to cancellation of the petitioner's engagement as Executive Assistant by order dated 9.11.2016 already having been stated in detail herein above, the same are not being repeated.

10. In normal circumstances, the Court would have directed the respondents to bring the order dated 10.9.2016 on record on an affidavit and thereafter proceeded to hear the case after taking the response of learned counsel for the petitioner.



However in view of the order that the Court proposes to pass, the respondents are not being directed to place the said order of the District Public Grievance Redressal Authority on record.

11. Though it transpires from the contents of the order dated 10.9.2016 that there has been some irregularities in carrying out appointments from the panel of candidates prepared after conduct of the examination etc. insofar as while the candidate at Serial no.257 was not appointed, the petitioner who figured at Serial no.289 was appointed. Similar other instances of the roster point and reservation policy etc. not having been followed has been stated therein.

12. Accepting all the facts which may have been stated in the order dated 10.9.2016, there remains no denial of the fact that before passing of the order dated 9.11.2016 (Annexure-5) and the order dated 10.11.2016 (Annexure-6), both impugned herein, neither any notice was given to the petitioner nor any opportunity given to meet the allegations levelled therein. It is a clear case of violation of the principles of natural justice and the writ application is fit to be allowed in this ground alone.

13. In view of the facts and circumstances stated herein above, the order impugned dated 9.11.2016 (Annexure-5)



issued under the signature of the District Magistrate, Purnea and the order dated 10.11.2016 (Annexure-6) issued under the signature of the District Sub-Registrar, Purnea are both set aside and the writ application is allowed.

14. However in view of the facts and circumstances of the case, the respondents will be at liberty to proceed against the petitioner in accordance with law.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	16.02.2026
Transmission Date	N/A

