

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18430 of 2025

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Sunit Tiwari S/o Sunil Kumar Tiwari, Resident of - Ward No. 23, Belbanwa,
P.S.- Town Thana (Motihari), District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Sub-Divisional Officer, Sadar Motihari, District- East Champaran.
4. The Circle Officer, Motihari, District- East Champaran.
5. Sandhiya Kumar, C.O (Anchal Adhikari), Motihari, Sadar, P.S.- Motihari, District- East Champaran.
6. The Chief Manager (HR), Indian Oil Corporation Limited, Southern Regional Division, Chennai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar, Adv. Mr.Prawal Mani Tripathi, Adv.
For the Respondent/s	:	Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been preferred for the
following relief(s):-

*1. That this writ application
is being filed for issuance of an
appropriate writ / order / direction for
quashing the order vide Letter No.
1756 dated 16.05.2025 issued under
the signature of Respondent No.4 i.e.,*



the Circle Officer, Motihari, whereby the EWS Certificate of the Petitioner has been cancelled in an arbitrary, illegal and mala fide manner without any prior notice, enquiry or opportunity of hearing. The Circle Officer has cancelled the certificate against the rules which is beyond his jurisdiction.

1/A. That the Petitioner further prays for issuance of an appropriate writ / order / direction for taking appropriate action against the Respondent No.5, wherein the Respondent No.5 allegedly demanded illegal gratification of Rs. 25,000/- and upon the Petitioner's refusal, proceeded to cancel the EWS Certificate in haste, without adhering to the principles of natural justice and against the guidelines of Central Government.



1/B. That the present application is filed seeking any other relief(s) as deemed fit by this Hon'ble Court in the interest of justice and equity."

3. Learned counsel for the petitioner submits that on the basis of the document produced before the Circle Officer, Motihari, the EWS certificate was issued to this petitioner for the year 2021-2022 (dated 23.05.2021), 2022-2023 (dated 05.09.2022 and 2023-2024 (dated 20.12.2023) respectively. It is next submitted that the petitioner's EWS certificate, which was issued strictly in consonance with the guidelines issued by the Government of India, Department of Personnel and Training *vide* Office Memorandum No. 36039/1/2019 dated 31.01.2019, but without considering the aforesaid provisions and acting contrary to the Claus-5 of the above referred Memorandum, the Circle Officer, Motihari has proceeded to cancel the EWS Certificate *vide* its Letter No. 1756 dated 16.05.2025, which is in clear violation of principles of natural justice.

4. On the other hand, learned counsel for the State by referring to the impugned order submits that from the said order, it appears that no hearing was given to the petitioner and



accordingly, appropriate direction may be issued in the interest of justice.

5. Considering the submissions of the parties, this Court finds it appropriate to set aside the order impugned (Annexure P/1) whereby the petitioner's EWS certificate has been cancelled and the Circle Officer, Motihari is directed to consider the relevant records in consonance with the Memorandum No. 36039/1/2019 dated 31.01.2019 and pass a reasoned order for validating the EWS certificate considering the earlier certificate issued by the same authority, based on which, the petitioner has obtained a job in Indian Oil Corporation on the post of Assistant Manager.

6. The petition, accordingly, stands allowed.

(Ajit Kumar, J)

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