

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 21383 of 2021

Rajesh Kumar Sharma @ Rajesh Sharma Son of Late Sudama Sharma
Resident of Village- Tendua, Police Station- Nokha in the district of Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Secretary Department of Agriculture, Government of Bihar, Patna.
4. The Director Department of Agriculture, Government of Bihar, Patna.
5. The District Magistrate-cum-Collector Aurangabad.
6. The Block Development Officer Navinagar Block in the district of Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sunil Kumar, Advocate
For the Respondent/s : Mr Sarvesh Kr. Singh, AAG XIII
Ms Sunita Kumari, AC to AAG XIII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 12-12-2022

Heard learned counsel for the petitioner and the respondents.

2 The facts, which are not in dispute based on the pleadings in the writ petition and two counter affidavits filed, are that the petitioner was a Block Agriculture Officer posted at Nabi Nagar in the district of Aurangabad as well as the fact that he has been dismissed by an order passed by the Director (Agriculture).



3 Learned counsel for the petitioner has placed reliance on a decision of a coordinate Bench of this Court in CWJC No 4132 of 2020 to submit that the Director (Agriculture) was not the competent authority for inflicting the petitioner any penalty as he was not his Disciplinary Authority. It is submitted that on the same ground, the petitioner of CWJC No 4132 of 2020 had been allowed relief and the order of dismissal passed by the Director (Agriculture) was quashed as being without any authority of law.

4 This Court, having regard to the aforesaid facts, had earlier allowed the State an opportunity to inform the Court whether the order passed in CWJC No 4132 of 2020 has been assailed in intra-Court appeal proceedings or not? A supplementary affidavit has been filed. It is the specific averment in the supplementary counter affidavit that after soliciting opinion of the Law Department, it was decided not to file Letters Patent Appeal.

5 In view of the aforesaid factual position, the order passed in CWJC No 4132 of 2020 was implemented. The petitioner of that writ proceeding, identically situated as the petitioner of this case, was, thus, reinstated in service under an order dated 01.09.2022 passed by the Agriculture Directorate bearing Memo No 832, copy of the order is Annexure R/1 to the



supplementary counter affidavit. It is apparent from the said order that Ganesh Kumar (petitioner of CWJC No 4132 of 2020) was reinstated with all consequential benefits with effect from the date of his dismissal.

6 In view of the above noted facts and circumstances, this Court would observe that there is no difference between the instant petitioner and Ganesh Kumar (petitioner of CWJC No 4132 of 2020). Since the order passed in the said writ petition has been complied by the authorities on the ground of the order of dismissal being not authorized by any law, this Court would find that the instant petitioner is entitled to the same relief since the instant petitioner and petitioner of CWJC No 4132 of 2020 were Block Agriculture Officers and the order of dismissal, in both the cases, was issued by the Director (Agriculture). The petitioner's case would, thus, come within the expression "covered matter" as per Clause 4.C (1) of the Bihar State Litigation Policy, 2011.

7 The facts are not in dispute. The order of dismissal dated 20.11.2019 bearing Memo No 760 (Annexure 1) in the case of the instant petitioner is, thus, quashed. The order of the appellate authority dated 17.03.2020 bearing Memo No 214 (Annexure 2), being affirmation of this order, therefore, must also collapse. The same is also quashed.



8 The writ petition is allowed, with liberty to the authorities to proceed in accordance with law.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	24.12.2022
Transmission Date	NA

