

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7990 of 2020

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Abhishek Kumar, aged about 41 years, male, Son of Rana Uday Singh,
Resident of Village Chero, Police Station - Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director Secondary Education, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Magistrate, Bhojpur.
5. The District Education Officer, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat, Adv.

For the Respondent/s : Mr. Madanjeet Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 13-01-2021

Heard Mr. Rakesh Prabhat, learned Advocate for
the petitioner and Mr. Madanjeet Kumar, learned counsel for
the State.

2. The services of the petitioner has been
terminated by order dated 14.08.2020, contained in Memo
No. 568, which has been issued under the signature of



District Education Officer, Bhojpur at Ara (respondent No. 5).

3. The petitioner was arrested on 05.08.2020 for having consumed liquor despite prohibition in the State of Bihar and remained in custody from 06.08.2020 till 14.08.2020. On this ground alone, the service of the petitioner was terminated with immediate effect by the order which has been impugned in the present petition.

4. Learned counsel for the petitioner submits that in terms of the agreement, the services of the petitioner could have been terminated only after giving him one months notice or one month's salary, but not otherwise.

5. The petitioner has not been served with any notice before terminating his engagement.

6. It has further been submitted that the forensic report is in favour of the petitioner. No ethyl alcohol, which is the intoxicating ingredient of all alcoholic beverages, was detected in the sample which was collected from the petitioner.

7. Considering the afore-noted aspects of the



matter, this Court is constrained to set aside the order of termination dated 14.08.2020 (Annexure-3).

8. The respondents are directed to give a notice to the petitioner or give him one month's salary in advance and, thereafter, take a decision with respect to termination of his service.

9. With the aforesaid observation/direction, the writ petition stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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