IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.967 of 2021

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Shailesh Kumar Son of Fulendra Singh Resident of Village - Chauri, P.O and Panchayat - Chauri, Block - Daudnagar, District- Aurangabad, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna.
2. The District Magistrate - cum - Chairman, Kisaan Salahkaar Appointment Committee, District- Aurangabad.
3. The Director, Agriculture, Bihar, Patna.
4. The Joint Director (Sashya), Magadh Division, Gaya.
5. The District Agriculture Officer, District - Aurangabad.
6. The Block Development Officer - cum - Block Agriculture Officer, Goh, District- Aurangabad.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Mandal
For the Respondent/s : Mr. Awanish Nandan Sinha, GP-21

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 12-05-2022

Heard learned counsel for the respective parties.

In the instant petition, petitioner has prayed for the following relief/reliefs:

> *"(i) For issuance of a Writ in the nature of Writ of Certiorari or any other appropriate Writ/Writs, Order/Orders, direction / directions for quashing the order as contained in letter no. 24 (MU) dated 17.10.2019 issued by the District Agriculture Officer, Aurangabad whereby and whereunder the selection of the petitioner from the post of Kisaan Salaahkar was cancelled on non-est ground without considering properly the explanation*

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rendered by him in reply to show causes and further, for quashing the order passed by the Joint Director (Sashya), Magadh Division, Gaya vide Memo no. 3000 dated 19.02.2020 in an Appeal filed by the petitioner against the order dated 17.10.2019 passed by the District Agriculture Officer, Aurangabad and/or any other relief/reliefs, order/orders for which the petitioner is entitled on the facts and circumstances of the case, may be passed by this Hon'ble Court."

The petitioner while working as a Kisaan Salaahkar on contract basis, the official respondents are in receipt of complaint against the petitioner that he was in the habit of alleged demand and acceptance of illegal gratification. Such complaint is made by large number of persons as is evident from Annexure-A. Based on such allegations/complaint, notice was issued to the petitioner on 03.10.2019 (Annexure-B). Petitioner had submitted his explanation on 09.10.2019 (Annexure-4 to the petition). Thereafter, petitioner was terminated from service on 17.10.2019. Thus, the petitioner has presented appeal before the appellate authority and it was rejected on 19.02.2020. Feeling aggrieved by the order of termination and appellate authority's order, petitioner has presented this petition.

Learned counsel for the petitioner submitted that

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petitioner's services have been terminated on serious allegation that he was in the habit of alleged demand and acceptance of illegal gratification from farmers. Based on complaint, notice and explanation, the authorities have terminated the service of the petitioner without providing opportunity of hearing to the extent that petitioner was in the habit of alleged demand and acceptance of illegal gratification from the farmers. The official respondent proceeded to terminate the service of the petitioner based on the aforesaid three documents in the absence of evidence adduced by the farmers and the petitioner.

The petitioner was a contract employee, if there are certain serious allegations, in that event, the domestic inquiry is warranted. Even in the case of temporary employee, stigmatic order may be a hurdle for future employment. The official respondents have not resorted to initiate the domestic inquiry in respect of adducing evidence on behalf of farmers as well as petitioner in respect of alleged allegations relating to demand and acceptance of illegal gratification. In the light of these facts and circumstances, the petitioner has made out a *prima facie* case.

Accordingly, impugned orders dated 19.02.2020 and 17.10.2019 stands set aside.

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The petitioner may be placed under suspension or he may be reinstated till inquiry is initiated and completed.

The concerned authority is hereby directed to take necessary steps either to place the petitioner under suspension or instate and further hold inquiry in the light of Apex Court decision in the case of ***Managing Director, ECIL vs. B. Karunakaran reported in (1993) 4 SCC 727*** and ***Chairman-cum-Managing Director Coal India Ltd. vs. Ananta Saha and Ors. reported in (2011) 5 SCC 142.*** On the outcome of disciplinary proceedings, the intervening period from the date of dismissal till final order is passed be regulated as suspension or on duty in accordance with law. The above exercise shall be completed within a period of four months from the date of receipt of this order.

With the above observation, the present petition stands allowed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2022
Transmission Date	NA

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