
(2025) 05 JH CK 1175
In the Jharkhand High Court
Case No : W.P.(S) No. 2158 Of 2025

Dr. Raj Kumar

APPELLANT

Vs

State Of Jharkhand through the Secretary

RESPONDENT

Date of Decision : 06-05-2025

Acts Referred:

Citation : (2025) 05 JH CK 1175

Hon'ble Judges : Deepak Roshan, J

Bench : Single Bench

Advocate : Indrajit Sinha, Kaushik Sarkhel, Rajiv Ranjan, Ashutosh Anand

Final Decision : Disposed Of

Judgement

Deepak Roshan, J.

1. Intervention application dated 05.05.2025 is tendered in the Court.
2. Taken on record.
- 3 The instant writ application has been preferred by the petitioner for the following reliefs:

"1) An appropriate writ, order or direction for quashing the order contained in letter no. (3) 280/GO., dated 17.04.2025 (Annexure-3) passed by the Respondent No.3 whereby and whereunder the services of the petitioner has found unsatisfactory and against the public interest and for which he has been removed from the Post of Director, RIMS without assigning any cogent reason and also without giving any chance of hearing to the petitioner.

(ii) Upon quashing of the aforesaid order dated A (3) 17.04.2025, the petitioner may immediately and forthwith be reinstated to the post of Director, RIMS along with all consequential benefits.

(iii) Upon quashing the aforesaid order dated 17.04.2025(Annexure-3) the Hon'ble Court may further be pleased to quash the order as contained in the

letter No 29/ HS dated 17.04.2025(Annexure-5) whereby and whereunder Professor Shashi Bala Singh was appointed as Acting Director, RIMS.

(iv) Any appropriate writ(s), order(s) or direction(s) as may be deemed fit and proper for doing conscionable justice to the petitioner.

4. Vide order dated 28.04.2025, this Court has passed the following orders:

"...4. Issue notice to the respondents.

5.Mr. Ashok Kumar Yadav, learned Sr. SC-I appears and waives service of notice on behalf of the respondent nos. 1 and 2.

6.Mr. Ashutosh Anand, learned counsel appears and waives service of notice on behalf of respondent nos. 3 and 6.

7.Issue notice to the respondent nos. 4 and 5 under registered cover with A/D as well as by ordinary process for which requisites etc. must be filed by day after tomorrow i.e. on 30.04.2025.

8. Additionally, learned counsel for the petitioner is also permitted to serve Dasti notice upon respondent nos. 4 and 5 and file affidavit showing service of notice. Registry is directed to issue necessary requisites/forms to the petitioner.

9. Mr. Sinha submits that the grievance of the Petitioner is that he was appointed as Director, Rajendra Institute of Medical Science (RIMS) on 31.01.2024 for a period of three years; however, all of a sudden vide order dated 17.04.2025, he has been terminated from the said post pre-maturely without any show-cause though the impugned order is stigmatic in nature. As such, learned counsel for the petitioner submits that the order dated 17.04.2025 may be stayed. A separate interlocutory application is also filed for the same being I.A. No.5146 of 2025.

10.Mr. Ashok Kumar Yadav, learned Sr. SC-I vehemently opposed the prayer of the Petitioner. He submits that one person has been made in-charge of the post of Director; as such, staying the operation of the order will create a chaos.

11. This Court is of the opinion that the order dated 17.04.2025 (Annexure-3) on the one hand, is stigmatic in nature and on the other hand, no show-cause has been issued. Further the contention of the State counsel that since one person has been made in-charge, as such, it will create a chaos; is misconceived as one person has only been made in-charge of the said post but it is not that a fresh appointment has been made.

12.Accordingly, the implementation and operation of the order dated 17.04.2025 shall remain stayed. Accordingly, I.A. No.5146 of 2025 stands allowed.

13.List this case on 06.05.2025 at 12.30 PM under the same heading."

5. Today, Mr. Rajiv Ranjan, Ld. Advocate General appearing on behalf of the State Respondents fairly admits that principle of natural justice was not followed before

passing the impugned order.

He further undertakes to withdraw the Impugned Order dated 17.04.2025 and seeks liberty to proceed in the matter, if so advised, in future by complying the principles of natural justice and applicable Rules and Regulations of the RIMS.

6. Mr. Indrajit Sinha, Ld. Counsel for the Petitioner does not have any objection to the aforesaid undertaking of the Ld. Advocate General who is representing the official Respondents.

7. In view of the aforesaid undertaking given by Ld. Advocate General, the instant writ application stands disposed of without any further order. Pending I.As./intervention application, if any, also stand closed.

8. It goes without saying that till the order impugned dated 17.04.2025 is not withdrawn; the Petitioner, who is working, shall not be disturbed and will continue on the post.