
(2009) 01 PAT CK 0105
In the Patna High Court
Case No : CWJC No. 8650 of 1997

Ram Pramod Rai and Others	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 16-01-2009

Acts Referred:

Citation : (2009) 3 PLJR 495

Hon'ble Judges : Shailesh Kr. Sinha, J

Bench : Single Bench

Advocate : Rajendra Prasad Singh and Rajeev Kumar Singh, for the Appellant;
Sunil Kumar Ravi for the State, for the Respondent

Judgement

Shailesh Kumar Sinha, J.—Mr. Rajendra Prasad Singh learned Senior Counsel for the petitioners, on instruction, seeks permission to withdraw the writ application on behalf of the petitioner No. 1, Ram Prasad Rai to ventilate his grievances before the appropriate authority. Accordingly, the writ application on behalf of the petitioner No. 1, Ram Prasad Rai is dismissed as withdrawn.

2. In this writ application, petitioners have challenged the order as contained in Memo No. 1579 dated 27th of August, 1997 (Annexure-5) whereby the services of the petitioners were terminated on the ground that they were appointed without following the due procedures laid down for such appointments. The petitioners were appointed on the post of peon by the then District Education Officer, Sitamarhi in terms of the appointments letter contained in Annexure -2 series in the year between 1982 to June 1983.

3. It is submitted that the action of the authorities in terminating their services are arbitrary, illegal and without appreciating the correct facts. However, notwithstanding the above, it is submitted that in terms of the orders issued by the Director, (Secondary Education)-cum-Special Secretary, Bihar, Patna (respondent No. 2), the services of the petitioners were terminated vide their letter No. 605 dated 30th of April as contained in Annexure-R4-A annexed to the

counter affidavit filed on behalf of respondent No. 4. In the similar situation, one Chitranjan Singh was similarly appointed alongwith the petitioners and his services was also sought to be terminated in terms of the aforementioned Annexure-R4-A. The services, on being terminated, the said Chitranjan Singh filed a writ application in this court vide C.W.J.C. No. 1977 of 1999. This court allowed the writ application and quashed the order of termination by order dated 23rd of June, 2000. The matter was taken up in appeal against the aforesaid order vide L.P.A. No. 1339 of 2000 and the same was dismissed on 25.10.2000. While considering the matter, this court observed as follows:--

"Admittedly, the respondent came in employment in the year 1982 and steps were taken for his removal from service in 1998. The respondent continued in service for about 16 years. Even if it is accepted that there was some illegality and irregularity in the initial appointment of the respondent, the fact remains that he continued in service for 16 years on the post of peon."

4. In the above circumstances, it is submitted that these petitioners also deserve to be granted the similar relief and the order of termination dated 27th of August, 1997 as contained in Annexure-5 vide memo No. 1579, be quashed.

5. Learned counsel appearing on behalf of the State, going through the orders passed in the case of Chitranjan Singh as referred-to-the-above, is not in a position to make the distinction with the case of these petitioners, however, it is submitted that their names sent by the employment exchange appears to be doubtful.

6. Considering the submission of the parties and the pleadings in the light of the order passed by this court in C.W.J.C. No. 1977 of 1999 which was allowed on 23rd of June, 2000 as well as judgment dated 25.10.2000 passed in L.P.A. No. 1339 of 2000 affirming the order, I am of the opinion that petitioners also deserve the similar relief as granted by this court in C.W.J.C. No. 1977 of 1999 in the case of Chitranjan Singh as referred to the above. Accordingly the office order contained in memo No. 1579 dated 27th of August, 1997 as contained in Annexure-5 so far it relates to petitioner Nos. 2 to 5 is quashed. The writ application is accordingly disposed of.