

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3472 of 2024

1. Rajendra Kumar son of Shivnandan Ram, resident of Mathurapur, Pipra Kothi, P.S.-Turkauliya, District- East Champaran.
2. Ashok Paswan, son of Shiviji Paswan, resident of Ward No.- 5. Near Kali Mandir, Sultanpur, Pachkatia, P.S.-Bidupur, District- Vaishali.
3. Jagdish Chaudhary, son of Ramavtar Chaudhary, resident of SBI Officers Colony, P.S.-Kankarbagh, Sampatchak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Secretary, General Administration Department, Government of Bihar, Patna.
4. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar
For the Respondent/s : Mr.Standing Counsel 15

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-03-2024 Heard Mr. Y.V. Giri, learned senior counsel for the
petitioners and learned counsel for the State.

2. The following prayer has been made in this writ
petition:-

(I) To issue an appropriate writ,
order, direction in the nature of certiorari for
quashing the notification bearing memo no.
2093 dated 02.02.2024 issued under the
signature of the Secretary, General
Administration Department, by which in terms
of clause 4(Ga) of Resolution bearing memo no.



5614 dated 18.11.2009, due to purported administrative exigency and public interest, the petitioners were removed from the post of Chairman and members of the State Scheduled Caste Commission, in violation of the principle of natural justice. (Annexure-P3, Pg.24).

(ii) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents to restore the petitioners respectively to the post of Chairman and members of the State Schedule Caste Commission. w.e.f., 02.02.2024.

(iii) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents to pay the salary and emoluments from the date of their removal i.e., 02.02.2024.

3. Learned senior counsel for the petitioners has relied upon the judgments of Hon'ble Supreme Court in the cases of *Union of India & Anr. Vs. Shardindu; (2007) 6 SCC 276, Kumari Shrilekha Vidyarathi & Ors. Vs State of UP & Ors; (1991) 1 SCC 212* and *Mangilal Vs. State of MP; (2004) 2 SCC 447.*

4. Learned senior counsel for the petitioners has submitted that the appointment cannot be cancelled in the mid way without any reason and before terminating the tenure of the petitioner, the principles of natural justice ought to have been



followed.

5. The State is directed to file para-wise counter affidavit in the matter on or before the next date of hearing.

6. List this case after two weeks.

7. During pendency of the writ petition, no fresh appointment shall be made on the post of the petitioner.

(Sandeep Kumar, J)

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