

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(S) No. 1666 of 2015**

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Prakash Kumar, son of Ramadhar Singh, resident of Mohalla Hamidaganj, P.O. and P.S. Daltongaj, District, Palamau ..... **Petitioner**

**Versus**

1. The State of Jharkhand
2. The Deputy Commissioner, Ramgarh
3. Jharkhand Education Project, Ramgarh
4. The District Superintendent of Education-cum-District Programme Officer, Ramgarh ..... **Respondents**

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioner : Mr. Nagmani Tiwari, Advocate  
For the Respondent-State: Mr. Munna Lal Yadav, S.C. (L&C)-III  
For the Respondent Nos. 3 & 4: Mr. Krishna Murari, Advocate

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**05/Dated:21/07/2020:**

1. Heard, Mr. Nagmani Tiwari, learned counsel for the petitioner, Mr. Munna Lal Yadav, learned counsel for the respondent-State and Mr. Krishna Murari, learned counsel for the respondent nos. 3 & 4.
2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taken into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.
3. The petitioner preferred this writ petition for quashing the order dated 21.10.2014 issued by the District Superintendent of Education-cum-District Programme Officer, Ramgarh whereby the petitioner has been terminated from his service.
4. Mr. Nagmani Tiwari, learned counsel for the petitioner

submits that the termination order is non-speaking order and the same has been issued on the basis of recommendation given by the Deputy Commissioner, Ramgarh. He further submits that principle of natural justice has not been complied with in the instant case and even one month notice has not been given to him in view of clause 3 of the appointment letter dated 17.07.2010. Relying upon the aforesaid submission he prays that the impugned order of termination be set-aside being non-east in the eye of law.

5. Mr. Munna Lal yadav, learned counsel for the respondent-State vehemently opposes the prayer of the petitioner and submits that there was a serious allegation as the petitioner could not produce up-to-date status of P.S. Case No. 518 of 2013, corresponding to G.R. Case No. 2186 of 2013, as such no leniency should be granted to the petitioner.

6. Mr. Krishna Murari, learned counsel for the respondent nos. 3 & 4 submits that the instant application is not maintainable in view of the fact that the termination letter is based on the letter of Deputy Commissioner addressed to the District Superintendent of Education, and that letter has not been challenged in the instant application. He further submits that in view of the judgment passed by the Hon'ble Apex Court in the case of Amarjeet Singh Vs. Devi Ratan Singh reported in 2010 (1) SCC 417, the instant application deserves to be dismissed.

7. Learned counsel for the petitioner in reply to the aforesaid contention submits that the petitioner may be given liberty to file a fresh representation before the respondent no. 3 to raise his grievance to the extent that he has not been given one month notice which was required as per the appointment letter given to the petitioner.

8. In view of the aforesaid facts and submission of the learned counsel for the parties, the petitioner is directed to file a fresh representation before the respondent no. 3 raising his grievance only to the extent that he was not given one month notice before his termination. If such representation is filed before the respondent no. 3, he shall take a decision within a period of 12 weeks after giving opportunity to the petitioner and respondent no.4-The District Superintendent of Education-cum- District Programme Officer, Ramgarh. If it is found that the petitioner has not been given one month notice, in that case he will be entitled for one month salary and the same shall be paid to him.

9. With the aforesaid observation and direction, this writ petition stands disposed of. Since, the matter has been taken up, I.A. No.6258 of 2018 filed for early hearing of the writ petition, has become infructuous.

**(Sanjay Kumar Dwivedi, J.)**