

Binod Kumar Verma Vs. State of Bihar and ors.

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Court : Patna

Decided On : Feb-14-2005

Judge : Narayan Roy, J.

Appeal No. : C.W.J.C. No. 15365 of 2001

Appellant : Binod Kumar Verma

Respondent : State of Bihar and ors.

Advocate for Def. : JC to GP 8

Advocate for Pet/Ap. : A.K. Tripathy, D.K. Singh and A.N. Singh, Advs.

Judgement :

Narayan Roy, J.

1. Heard counsel for the parties and considered the counter affidavit filed on behalf of the respondents.
2. The order, as contained in Annexure 1, issued vide Memo No. 2434 dated 27th September, 2001, is under challenge, whereby and whereunder the petitioner has been terminated.
3. It is submitted by learned counsel for the petitioner that the petitioner by virtue of order, as contained in Annexure 4, was appointed in the Directorate of Adult

Education, but he is being terminated as an employee of Non-formal Education Scheme. It is further submitted that one Radhey Shyam Sharma, who was also co-appointee along with the petitioner vide Annexure 4, and was terminated showing him an employee of Non-Formal Education Scheme, had approached this Court in C.W.J.C. No. 12182 of 2003. The aforesaid writ application was disposed of and the order of termination was quashed with a direction to reinstate him with all consequential monetary benefits. It is further submitted that same questions had fallen for consideration before this Court in two writ applications and vide orders, as contained in Annexure 18 series those writ applications were allowed and terminated employees of Non-Formal Education Scheme were directed to be reinstated.

4. Prima facie, it appears from Annexure 4 that the petitioner was appointed in the Directorate of Adult Education, and, therefore, he could have been treated to be an employee of Adult Education Scheme for all practical purposes.

5. It appears to be a case of mistaken identity, whereby and whereunder he has been terminated showing an employee of Non-Formal Education Scheme.

6. At the same time, it appears to me that similarly situated employee Radhey Shyam Sharma was directed to be reinstated by this Court by order, as contained in Annexure 17.

7. Learned counsel for the State, however, is not in a position to distinguish the case of Radhey Shyam Sharma from that of the petitioner as referred to above.

8. Considering the facts and circumstances of the case, this writ application is disposed of in terms of the order passed by this Court, as contained in Annexure 17, and the order, as contained in Annexure 1, is set aside and the respondent authorities are directed to reinstate him with all consequential monetary benefits.

9. With the direction/observation aforesaid, this application is disposed of.