

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9924 of 2014

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Manish Bhagat, son of Murlidhar Bhagat, Resident of Kalighat Road, Mila Chowk, P.S. Darbhanga Sadar, Town and District-Darbhangha.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna
3. The Director, Rural Development Department, Government of Bihar, Patna
4. The Director, Account Administration and Self Employment, MANREGA, D.R.D.A., Vaishali
5. The District Magistrate, Vaishali
6. The District Development Officer, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar
For the Respondent/s : Mr. Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 20-11-2017 Heard both sides.

The State has not filed counter-affidavit even after lapse of more than three years from the date of filing of this writ petition.

The petitioner has filed this writ petition for quashing the order dated 08.11.2011, as contained in Memo No.908(Annexure 11), by which Committee headed by Collector cancelled the appointment of the petitioner on contract basis and



the petitioner also seeks quashing of order dated 11.11.2013(Annexure 12) passed by Secretary, Rural Development Department by which the Secretary, Rural Development Department dismissed the appeal of the petitioner.

The petitioner challenged the order on the sole ground that admittedly, the petitioner was appointed as Programme Officer in District Rural Development Agency on contract basis. According to the Govt. Circular No.4142 dated 25.05.2009(Annexure 7), the District Magistrate is directed to forward the relevant papers for cancellation of contract of Programme Officer of the Department but the District Magistrate himself cancelled the appointment of the petitioner, Programme Officer and the Secretary also dismissed the appeal of the petitioner. No notice was given to the petitioner. In similar cases(CWJC No.14073 of 2014 and CWJC No.2803 of 2014), this Court has held that the Principal Secretary is the competent authority to cancel the appointment of the Programme Officer after obtaining necessary recommendation by the Committee headed by the District Magistrate/Collector.

Considering the facts aforesaid, it appears that the order of the District Magistrate, cancelling the appointment of the petitioner as Programme Officer, is without jurisdiction.



Accordingly, the orders dated 08.11.2011(Annexure 11) and 11.11.2013(Annexure 12) are set aside. The writ petition is allowed.

(Prabhat Kumar Jha, J)

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