

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9661 of 2014

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Dinesh Bhakat Son of Raj Kumar Bhakat Resident of Village- Toja Dumari, P.S-
Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar,
Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Sitamarhi, District- Sitamarhi.
5. The Deputy Development Commissioner, Sitamarhi, District- Sitamarhi.
6. The Incharge Officer, District Mid Day Meal Scheme, Sitamarhi, District-
Sitamarhi,.
7. The Program Officer, Mahatma Gandhi National Rural Employment
Guarantee Scheme, Bairganja Block, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B .K. Mangalam, Advocate
Mr. Bhagwati Prasad, Advocate
For the Respondent/s : Mr. Ajay Kumar, AC to GP 4.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 01-12-2017

Heard counsels for the petitioner and the respondent-
State.

The petitioner was engaged as a Technical Assistant on
contractual basis to supervise the public welfare schemes at the
Panchayat level under MANREGA Schemes.



It appears from the impugned order dated 22.04.2013 that the appointment of the petitioner has been cancelled as the execution of work relating to afforestation in three Panchayats namely, Pachkati Yadu, Nandwara and Jamua, were found highly deficient in terms of number of trees and installation of hand pumps etc. Prior to issuing of the said order, inspection was conducted on various dates and show cause was also issued to the petitioner on 28.01.2013 and 13.03.2013. After considering his show cause, the impugned order has been passed. The show cause has not been annexed so it is not possible to go into his defence taken before the authorities. Writ petition has been filed more than a year after the impugned order has been passed cancelling the contractual appointment of the petitioner.

Counsel for the petitioner submits that although others were also involved in execution of the scheme, the responsibility has been fixed only on the petitioner.

From the counter affidavit filed it is quite obvious that the petitioner was solely responsible person to act and supervise the scheme which has been stated in paragraph 15 of the counter affidavit. No rejoinder has been filed denying the said averments nor any procedural lapse has been highlighted by the petitioner. The show cause has also not been placed on record so as to enable this Court to



examine whether the impugned order has considered the issues raised by the petitioner.

In the aforesaid circumstances, this Court finds no merit in the petition. The same is accordingly, dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
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