

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.317 of 2017

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Rajesh Kumar Raja, S/o Sri Saroj Kumar Yadav, R/o Azad Nagar, Ward No. 12,
Nagar Prishad, P.S. + District – Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Add. Secretary, Food and Consumer Protection Department, Bihar, Patna.
4. The District Officer, Saharsa.
5. The Executive Officer, District Supply Office, Saharsa
6. The Block Supply Officer, Sonbarsha Block, Sonebarsha, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar Sinha No.1, Adv. Mr. Bijendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. Shashi Shekhar Prasad Sinha, AC to GA-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-03-2017

Heard Mr. Amrendra Kumar Sinha No.1, learned counsel appearing for the petitioner and Mr. Shashi Shekhar Prasad Sinha, learned Assisting Counsel to Government Advocate No.6 for the State.

The petitioner is aggrieved by the order dated 11.7.2016 of the District Magistrate, Saharsa, a copy of which is impugned at Annexure-9 to the writ petition, whereby the District Magistrate, Saharsa has not been pleased to extend the service contract of the petitioner as an Executive Assistant, Block Supply Office, Sonbarsa.

The petitioner was appointed on contract vide appointment order bearing Memo No.1406 dated 29.07.2013 and in terms of Clause- 4, the contract was for a period of one year. A copy



of the order is present at Annexure-1. The contract was renewed vide order bearing Memo No.910 dated 23.8.2014 vide Annexure-2 until 28.7.2015. This is confirmed by Annexure-3. Nearer to the expiry of the contract period recommendations were made by the Block Supply Officer, Sorbarsa and which has been renewed by his subsequent letter dated 24.8.2015 which are present at Annexures 4 and 5 respectively.

While the matter was pending renewal that the petitioner was allowed to continue on his post but on 9.12.2015 he left the office without any intimation and he returned only on 22.12.2015. A show cause was served on him under the signature of the Block Supply Officer present at Annexure-6 series but there is no response thereto. The Sub-divisional Officer vide order dated 23.01.2016 directed the Block Supply Officer to take appropriate action against the petitioner which again met with no response. The 3rd show cause is also on record dated 30.4.2016 at Annexure-7 series which again went without reply. In other words, there is nothing on record to show that the petitioner either gave any application for his absence or duly informed the office regarding his absence with supportive papers. The Block Supply Officer by his letter dated 16.6.2016 present at Annexure-8 recommended for extension of the service of the petitioner to the Establishment Deputy Collector, Saharsa but in view of the circumstances discussed where there was nothing on



record of the proceedings which would explain the unauthorized absence of the petitioner from duty that the District Magistrate, Saaharsa has proceeded to terminate the contract employment of the petitioner by the order impugned.

Even if the work of the petitioner has been appreciated by the Block Supply Officer there are certain responsibilities attached to any employee serving the State Government and the foremost of which is to maintain discipline. The petitioner absented himself with effect from 9.12.2015 and reported for duty only on 22.12.2015 but never bothered to satisfy his superiors as to the reasons for his absence. Even the order of the District Magistrate, Saharsa reflects that no material supporting the reasons for absence of the petitioner was brought to his notice. There is no such persuasive material even on record of the writ proceedings.

In the circumstances discussed, I am not persuaded to interfere with the order impugned.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-04-1017
Transmission Date	NA

