

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5287 of 2014

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1. Birendra Ojha Son Of Ramadhar Ojha Resident Of Village- Sugauli, P.O.- Sugauli, Narkatiyaganj, P.S.- Shikarpur, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Govt. Of Bihar, Patna
2. The Additional Secretary to the Govt.-Cum-Commissioner, MANREGA Bihar, Patna
3. The District Magistrate, West Champaran, Bettiah
4. The Deputy Development Commissioner, West Champaran at Bettiah
5. The Sub-Divisional Officer, Bagha, District- West Champaran
6. Block Development Officer-Cum-Program Officer, Thakraha, District- West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. UMESH CHANDRA VERMA

For the Respondent/s : Mr. ROY SHIVAJI NATH

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 04-09-2017

Heard both sides.

In this writ petition, the petitioner has assailed the order dated 13.09.2011, as contained in memo No. 3154, (Annexure-2) issued by the Deputy Development Commissioner, West Champaran, Bettiah whereby the petitioner was removed from the post of Panchayat Rojgar Sevak .

The learned counsel for the petitioner submits that petitioner was appointed as Panchayat Rojgar Sevak vide memo No. 369 dated 22.02.2010 (Annexure-1). The Block Development Officer, Thakraha vide letter No. 62C dated 01.04.2010 asked the petitioner to take charge of Panchayat Rojgar Sevak of Harpur Panchayat from Prakash Kumar, Panchayat Rojgar Sevak, Harpur. Prakash Kumar was directed to hand over charge to the petitioner but again vide



order dated 30.04.2010 issued by the Sub divisional Officer, Bagaha the petitioner was directed to report to the election office. It is submitted that Prakash Kumar handed over partial charge to the petitioner and the petitioner in pursuance of the order, as contained in memo No. 2401, dated 04.09.2010 submitted entire papers to the Programme Officer, Thakraha but the Deputy Development Commissioner, without considering all these facts, terminated the service of the petitioner on non existent ground that the petitioner does not want to work at the place of his posting.

The State has filed counter affidavit but this facts has not been denied that petitioner was posted in Harpur Panchayat as Panchayat Rojgar Sevak but Prakash Kumar, the earlier Panchayat Rojgar Sevak, has handed over partial charge to the petitioner in pursuance of the order dated 01.04.2010 and again on 30.04.2010 by the order of Sub divisional Officer, Bagaha the petitioner was asked to report to the election office.

It is submitted that there is no material on record to show that petitioner is not willing to work in Harpur Panchayat and the petitioner is ready to work anywhere and his termination is based on nonest ground and without asking any show cause from the petitioner.

Having considered the submission of both sides, I find that in pursuance of the order of the Block Development Officer the petitioner joined at Harpur Panchayat as Panchayat Rojgar Sevak in place of Prakash Kumar but Prakash Kumar handed over partial charge to the petitioner. Thereafter, the Sub divisional Officer, Bagaha vide order dated 30.04.2010 directed the petitioner to report to the election office. The petitioner along with other persons reported to the election office. The petitioner was working there but in pursuance of letter No. 2401 dated 04.09.2010 issued by the Deputy Development Commissioner the



petitioner was asked to submit the records of MANREGA of Harpur Panchayat and the petitioner submitted the records, which he had received from Prakash Kumar, the then Panchayat Rojgar Sevak, to the Programme Officer, Thakraha.

It appears that petitioner is not at fault and he has illegally been terminated from service. Therefore, the order dated 13.09.2011, as contained in memo No. 3154, (Annexure-2) is not sustainable and the same is set aside. This writ petition is allowed. The petitioner is directed to be reinstated in service. However, the petitioner shall not be paid remuneration for the period he did not work.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.09.2017
Transmission Date	N.A.

