

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6857 of 2015

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1. Deepak Kumar, son of Sri Ram Prasad Lal, Resident of At + P.O.- Salha (Jandaha), P.S.- Deshri, Sub Division- Mahnar, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Chief Executive Officer, Jeevika, Bidyut Bhawan, Bailey Raod, Patna.
4. The Director, Jeevika Vidyut Bhawan, Bailey Raod, Patna.
5. The District Project Manager, Jeevika Biscoman Bhawan, Gandhi Maidan Patna.
6. The Administrative Officer, Jeevika, Bidyut Bhawan, Bailey Raod, Patna.
7. That State Project Manger (HR), Jeevika, Bidyut Bhawan, Bailey Raod, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Kunal Tiwary, Aniket Singh & Anupam Raj, Advocates

For the S t a t e : Mr Sumant Kr Sinha, AC to GA 2

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-02-2018

Heard counsel for the petitioner and the respondent-
State.

2 The petitioner, while working as Block Project Manager in Jeevika, was leveled with some allegations relating to sexual harassment. Pursuant thereto, he has been terminated on 08.11.2014. It is his case that he represented before the Secretary, Rural Development Department, Government of Bihar (respondent No 2) who, vide his order dated 05.12.2014 (Annexure 9) directed the Chief Executive Officer –cum- Director of State Mission, BRLPS to



constitute a Three Members Committee to enquire into the allegations against the petitioner and to submit a report so that appropriate action may be taken in accordance with law. While directing so, it is the petitioner's case that the Secretary has directed that, in the meantime, the order of termination against the petitioner shall be kept in abeyance. He submits that pursuant to the said order neither Three Members Committee had been constituted nor he has been allowed the benefits of the said order by reinstating him since the termination order has been kept in abeyance.

3 About three years have elapsed since filing of the writ petition, no counter affidavit has been filed by the State as yet. What is the present position is not apparent on record? Therefore, this Court, instead of keeping the matter pending further, would only observe that it is the Secretary (respondent No 2) who has to take appropriate action by ensuring that the order dated 05.12.2014 issued by him is given effect to.

4 Counsel for the petitioner submits that he will bring it to the notice of respondent No 2 so that appropriate orders may be passed pursuant to the said order dated 05.12.2014.

5 In view of the aforesaid submission, the writ petition is disposed of with liberty to the petitioner to bring to the notice of respondent No 2 the fact that the order dated 05.12.2014 is not being



complied with by the subordinate authorities.

6 If such representation is filed, it is needless to say that respondent No 2 would be obliged to dispose of the same in accordance with law.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2018
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