

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.692 of 2016

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Ajit Kumar Yadav, Son of Late Shiv Nandan Yadav, Resident of Village -
Brahampur, P.S. - Phulparas, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural
Development, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Deputy Development Commissioner - cum - Additional District Programme
Coordinator, District Rural Organisation, Madhubani.
4. The Block Programme Officer, Phulparas, Madhubani.
5. The Block Programme Officer, Gogardiha, Madhubani.
6. The Mukhiya, Gram Panchayat Raj, Saine, Phulparas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Adv.
Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Raju Giri, GP30
Mr. Manish Kumar, G.P 4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 24-07-2018

Heard Mr. Rajesh Kumar learned counsel for the petitioner and
Mr. Manish Kumar, G.P 4 for the State.

The petitioner is aggrieved by the order of the Deputy
Development Commissioner cum Additional District Programme,
Coordinator, District Rural Development Agency, Madhubani
whereby his contractual appointment to the post of Panchayat Rojgar
Sewak has been terminated. The order bears Memo No. 4060 and is
dated 26.10.2013. The order would reflect that a financial irregularity
of Rs. 25,08,406/- for the financial year 2013-14 and of



Rs.19,57,329/- during financial year 2012-13 has been set up against the petitioner as the Panchayat Rojgar Sevak Panchayat Saini, Block-Phulparas in the district of Madhubani.

While it is the contention of Mr. Rajesh Kumar, learned counsel for the petitioner that each of the expenditure is well explained and it is simply because due opportunity was not provided to the petitioner to explain the same which has resulted in the termination order, the argument has been contested by Mr. Manish Kumar learned Government Pleader No. 4 that the petitioner has been avoiding explanation to the authorities on the withdrawal and which has resulted in not only the termination of the contractual appointment but also institution of a criminal case.

In reference to an order of the Deputy Development Commissioner bearing memo No. 71 dated 14.01.2015 impugned at Annexure- 2 it is submitted that the District Magistrate, Madhubani on taking note of the circumstances has opined that the plea of the petitioner for re-engagement as Panchayat Rojgar Sevak would be considered on the conclusion of the criminal case which is instituted on the self similar charges.

Having heard learned counsel for the parties and taking note of the fact that serious charges faces the petitioner which has led to termination of contractual appointment almost 6 years back on



26.12.2013 (wrongly mentioned 26.12.2012) as well taking note of the criminal prosecution instituted against the petitioner, I am of the opinion that the disposal of the representation by the District Magistrate for consideration of his appeal for re-engagement on conclusion of the criminal case, suffers no infirmity because until such time that the petitioner is able to explain the withdrawals in an appropriate proceedings, the allegation set up would be a foundation for bringing the contractual appointment to a close, as has been done in the present case.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
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