

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17649 of 2010

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Sanjay Kumar S/O Bateshwar Das R/O Vill.- Belthu, Post- Harpur, P.S.-
Shahkund, Block- Shahkund, Distt.- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Represented Through Deputy Secretary Rural Development Department, Bihar, Main Secretariat, Patna-800015
2. Deputy Development Commissioner (D.D.C.), Bhagalpur
3. Programme Officer, Shahkund Block, Distt.- Bhagalpur
4. Block Development Officer, Shahkund Block, Bhagalpur
5. Director, District Rural Development Agencies Department, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar

For the Respondent/s : Mr. (Sc10)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-06-2018 The present writ petition has been filed for quashing the order dated 23.03.2010 issued by the Deputy Development Commissioner, Bhagalpur, whereby and whereunder the contract of the petitioner has been cancelled.

The learned counsel for the petitioner submits that the petitioner has been acquitted from the criminal cases, whereafter he was released from custody and thereafter he had submitted his joining before the Project Officer, Shahkund. It is further submitted that the Project Officer, Shahkund by his letter dated 21.2.2010 had recommended to the Deputy Development Commissioner, Bhagalpur to accept the joining of the petitioner, firstly on the ground that the petitioner has been found to be



innocent in the criminal case and secondly, there is no allegation of any sort of misappropriation in the NAREGA scheme as well as his work has been found to be satisfactory. Nonetheless, the Deputy Development Commissioner, Bhagalpur by an order dated 23.3.2010 has cancelled the contractual appointment of the petitioner herein on the ground that the petitioner has been acquitted of the charges only under Section 387 of the Indian Penal Code, hence the petitioner has been released from custody by giving him the benefit of doubt and it is not a case of clean acquittal.

The learned counsel for the petitioner has submitted that firstly the said order is illegal in view of the fact that the petitioner has not been found to be guilty by the learned trial court and he was released from custody and secondly the said order was passed by the Deputy Development Commissioner, Bhagalpur behind the back of the petitioner without giving opportunity of hearing and without compliance of the principles of natural justice.

Having regard to the facts and circumstances of the case, it is clear that the impugned order dated 23.3.2010 has been passed without compliance of the principles of natural justice, hence the same is quashed and the Deputy Development



Commissioner, Bhagalpur is directed to take a fresh decision in the matter, after giving an opportunity to the petitioner to place his defence as well as after giving opportunity of hearing to the petitioner herein.

Aforesaid entire exercise should be completed within a period of eight weeks from today.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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