

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1924 of 2015

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Naresh Kumar Mandal Son of Late Patwari Mandal, Resident at Puraini, P.O. +
P.S. - Puraini, District – Madhepura

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Madhepura.
3. The District Agriculture Officer, Madhepura, Madhepura.
4. The Block Development Officer, Purani, P.O. + P.S. - Puraini, District –
Madhepura.
5. B.A.O. Purani, P.O. + P.S. - Puraini, District – Madhepura

.... Respondents

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Appearance :

For the Petitioners : Mr. Bipin Bihari Singh, Advocate

For the Respondents : Mr. Madhaw Pd.Yadav, GP 23
Mr. Arvind Kumar, AC to GP 23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner is aggrieved by cancellation of his
selection as Kishan Salahkar under office order dated 7.9.2013,
issued by the District Agricultural Officer, Madhepura.

3. Petitioner's counsel has placed reliance on order of
this Court dated 21.4.2009, passed in C.W.J.C.No. 5044 of 2009
(Manoj Kumar Yadav Vs. The State of Bihar and others) to
submit that he could not have been dismissed from service on any



allegation without holding a departmental enquiry. He has also relied upon order dated 21.12.2013, issued by the District Agricultural Officer, Madhepura whereby it is clear that the cancellation of selection of another similarly situated person, namely, Sakaldeo Kumar, Kishan Salahkar was withdrawn by the authorities realizing the mistake that his cancellation as Kishan Salahkar was without any allegation.

4. Petitioner's initial engagement as Kishan Salahkar was for 11 months. The petitioner therefore cannot claim the right to continue beyond the period of 11 months. Order dated 21.4.2009, passed in C.W.J.C.No. 5044 of 2009 cannot be relied upon by the petitioner as the facts of that case is not similar to the facts of the instant case. As regard order dated 21.12.2013, issued by the office of the District Agricultural Officer, Madhepura in the case of Sakaldeo Kumar it is apparent that no allegation whatsoever was pending against him.

5. In respect of the instant petitioner, impugned order dated 7.9.2013 clearly shows that the petitioner is a habitual absconder from his duty and has no regards for his office staff. He is also accused in two criminal prosecutions including one for realizing money from the beneficiaries of the Indira Awas



Yojana.

6. Under such circumstances and considering the fact that the petitioner’s contractual appointment has already lapsed in 2012, this Court finds no merit in the writ petition and same is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

