

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10427 of 2017

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1. Manoranjan Jha Son of Sri Markanday Jha, resident of Village- Jalalpur, Post Office- Jalalpur, Police Station- Musahari, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Executive Director-cum- Special Secretary, Health Department, Government of Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The Collector-cum- District Magistrate, Muzaffarpur.
6. The Civil Surgeon-cum- Chief Medical Officer, Muzaffarpur.
7. The District Programme Manager, District- Health Centre, Muzaffarpur.
8. The Medical Officer, In- Charge Primary Health Centre, Sahebganj, Muzaffarpur.
9. The Block Health Manager, Primary Health Centre, Sahebganj, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Respondent/s : Mr. RAMADHAR SINGH-GP25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-07-2018

1. Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

2. In this case, the petitioner was appointed as Block Accounts Manager, District Health Samaiti on contract basis. He was discharging the duties in Primary Health Centre, Aurai, District- Muzaffarpur. He was transferred from that centre to Primary Health Centre Saraiya and again vide letter No.1409 dated 1.12.2016, transferred from Primary Health Centre, Saraiya to Primary Health



Centre Sahabganj. After the transfer from Primary Health Centre, Aurai, he had not handed over the charge with regard to cash book, payment register, voucher, bank statement to Neeraj Kumar. In this connection, the District Health Samiti conducted an enquiry and vide letter No.76 dated 10.03.2017, it was communicated, petitioner had committed the misconduct inasmuch as the letter dated 23.9.2014, 20.08.2014, 01.06.2015, 06.02.2015, 16.06.2015 and 24.06.2015 reflects that he had not paid money to female who gave birth to child as he was demanding Rs.400 from each candidate. Asha has also filed an application that they were not paid their remuneration since 2014. The allegation has been made that the cheques have been issued in the name of Bank situated in Sitamarhi whereas the register shows that the beneficiaries are from Aurai block. It has further been submitted that the present petitioner had not handed over charge to Account Manager, Sri Mukesh and it has further been alleged that the petitioner had not maintained the proper account register, cash book from September, 2016, was found during enquiry, irregularities were committed by him as he failed to hand over the charge. He was repeatedly served notice asking furnish explanation but he ignored to give reply, ultimately the service of the petitioner has been dispensed with. The counsel for the petitioner has submitted that enquiry was conducted and the charges were not found to be proved and drew the



attention of Annexure-2, Enquiry report, but is limited to the alleged financial irregularities committed by Aurai Centre and the report reflects that the payment have been made to the beneficiaries and demand of Rs.400 per person was found to be incorrect. But from perusal of the records, the letter shows, apart from above, other irregularities were found to have been committed by him. Be that as it may, the petitioner has already filed an Appeal before the Deputy Director-cum-Special Secretary, Health Department, Patna. The Deputy Director-cum-Special Secretary, Health Department, Patna is directed to consider his grievance and pass an appropriate order according to law preferably within eight weeks from the date of receipt of a copy of this order.

3. With the aforesaid observation and direction, this writ petition is disposed of.

(Shivaji Pandey, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01/08/2018
Transmission Date	NA

