

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13065 of 2014

Arvind Kumar, son of late Shiv Shankar Sahay, Resident of Mohalla – Azad
Nagar, Madhepura, Ward No 12, PS – Madhepura, District - Madhepura

... .. Petitioner/s

Versus

- 1 The State Of Bihar
- 2 The Commissioner, Kosi Division, Saharsa
- 3 The District Magistrate, Madhepura
- 4 The Deputy Development Commissioner, Madhepura
- 5 The Sub-Divisional Officer, Uda Kishunganj, District – Madhepura
- 6 The Block Development Officer, Alam Nagar, District – Madhepura
- 7 The Block Programming Officer, Alam Nagar, District - Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Sanjay Kr – 1, Anant Kr -1, Advocates
For the S t a t e	:	Mr Vivek Anand Amritesh, AC to SC XXVIII
For Respondent No 4	:	Ms Sunita Kumari, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 05-11-2019

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

2 The petitioner was engaged initially as a Panchayat
Rozgar Sevak on 22.08.2007. The contractual engagement of the
petitioner was for two years for aiding the discharge of social
welfare schemes, namely, the Mahatma Gandhi National Rozgar
Guarantee Scheme. Contractual engagement of the petitioner was
renewed from time to time and finally has been terminated under
order issued by the Deputy Development Commissioner,



Madhepura dated 24.03.2012. The submission advanced on behalf of the petitioner is two folds, (i) that removal is only on account of lodging of the first information report (For brevity, FIR) and (ii) that having regard to the permanency implied upon the petitioner, petitioner could not be removed unceremoniously.

3 This Court, in the earlier order dated 24.09.2019, has allowed the petitioner an opportunity to place on record the relevant material to show that the permanent status was granted to the petitioner so as to entitle him to invoke the procedural protection which is available to Government employees. The petitioner has filed a supplementary affidavit. From perusal of the same, it is apparent that the policy extending the services of Panchayat Rozgar Sevaks to the age of 60 years has come on 18.09.2018. The same is annexed as Annexure P/9 to the supplementary affidavit filed by the petitioner. The termination of the petitioner's contractual existence is of 24.03.2012, long before at least six years before a shade of permanency appears to have been conferred upon the Panchayat Rozgar Sevaks who were working on 18.09.2018. The nature of permanency granted under the Gazette Notification dated 18.09.2018 is not being examined for the present as the same has come much later to the petitioner's termination of contractual service.



4 Mere implication in the FIR has been made the basis of his termination and is not based on any finding of any guilt or any illegality or irregularity. The fact that lodging of the FIR has been mentioned in the order of termination, otherwise does not visit the petitioner with any stigma and the same will not stand in his way in his reengagement in other schemes.

5 In view of the aforesaid position, the petitioner, being a contractual employee, cannot claim the procedural protection which is otherwise available to Government employees before his termination.

6 With the observations hereinabove, the writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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