

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5174 of 2019

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Dashrath Ram, son of Late Mahendra Ram, resident of Village and P.O. Phulkahan, P.S. Shyampur Batha, District- Seohar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Principal Secretary, Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna.
4. The Mission Director, Bihar Mahadalit Vikash Mission ,Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna.
5. The District Magistrate, Seohar, Bihar.
6. The Deputy Director, Welfare, Muzaffarpur Division, Muzaffarpur.
7. The District Welfare Officer, Seohar, Bihar.
8. The Sub Divisional Officer, Seohar, Bihar.
9. The Block Development Officer, Dumri Katsari, District- Seohar, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh, Adv
For the Respondent/s : Mrs. Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-04-2019

The petitioner seeks quashing of the order dated 13.07.2016 contained in memo No. 406, issued by the District Welfare Officer, Sheohar (respondent No.7) whereby the services of the petitioner as *Vikash Mitra* has been terminated; as also against the order dated 03.08.2018, issued under the signature of the Mission Director, Bihar Mahadalit Vikash Mission (respondent No. 4) whereby the



order passed by the District Welfare Officer, directing for removal of the petitioner from the post of *Vikash Mitra*, has been upheld and affirmed.

2. The petitioner has challenged the aforesaid orders on the ground that the order of removal has not been passed in accordance with the guidelines framed with respect to the service conditions of *Vikash Mitra*. With reference to the breach of such guidelines, learned counsel for the petitioner has drawn the attention of this Court to Clause-9(vi) and Clause-12 of the aforesaid guidelines.

3. It has been tried to be impressed upon this Court that for removing any *Vikash Mitra*, necessary approval has to be obtained by the District Magistrate and the process of removal has to be initiated by either Sub-Divisional Officer or the District Project Officer.

4. The challenge of the petitioner to his removal from the post of *Vikash Mitra* is primarily on the ground that the order of dismissal has been passed by the District Welfare Officer, Sheohar (respondent No.7), who is neither the Sub-Divisional officer nor the District Project Officer.



5. From the perusal of the order dated 13.07.2016, it becomes very clear that the initiation of the proceedings was by the Sub-Divisional Officer and requisite sanction and approval of the District Magistrate as directed in the guidelines was obtained.

6. It further appears that clause-XII of the guidelines provides for a forum where any irregularity with respect to appointment process could be challenged. This does not relate to any appellate provision against the order of removal.

7. A *Vikash Mitra* can be removed, according to the guidelines, at any time during his service, if the services rendered by him is found to be unsatisfactory. For the aforesaid, the only requirement is initiation of such proceedings at the level of Sub-Divisional Officer or the District Project Officer and thereafter, the order of removal could be passed, which, for all practical purposes, is final.

8. In the present case, the petitioner submits that the explanation which was sought from him and which was answered, was never adverted to and the petitioner has been



removed from service on extraneous consideration.

9. It would be difficult to accept such arguments for two reasons.; the guidelines clearly indicate that *Vikash Mitras* shall not be treated as government servants and that the process of removal is in consonance with the rules provided in the guidelines. The sufficiency of the reasons for the Sub-Divisional Officer or the District Programme Officer and the sanction of removal by the District Magistrate, cannot be gone into in the present petition.

10. There is no anomaly with the orders impugned and the petition, therefore is dismissed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05/04/2019

