

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6914 of 2019

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Manoj Choudhari, Son of Kusho Choudhari Resident of Village and P.O.-
Chewara, P.S.- Chewara, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Bihar, Patna.
3. The Deputy Secretary, Rural Development Department, Bihar, Patna.
4. The Commissioner, MANREGA, Rural Development Department, Bihar, Patna.
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
6. The Collector-cum-District Magistrate, Muzaffarpur.
7. The Deputy Development Commissioner-cum-Addl. District Program Coordinator, District Rural Development Agency, Muzaffarpur.
8. The Block Program Officer, Block Bandara, District- Muzaffarpur.
9. The Block Program Officer, Block Bochahan, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate
For the Respondents : Mr. Harish Kumar (GP-8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-04-2019

Heard the learned counsel for the parties.

2. The petitioner has challenged the order dated 23.05.2015, passed by the Deputy Development Commissioner-cum-Additional District Programme Coordinator, DRDA, Muzaffarpur whereby his contract as a Panchayat Rojgar Sevak has been terminated on the ground on his not taking over charge on time; not



responding to the show cause notice; disturbing the work of MANREGA and for violating the orders of the superior authorities; as well as the order dated 24.10.2018 passed by the District Magistrate, Muzaffarpur in Service Appeal No. 86/2018-19, whereby such termination of contract of the petitioner has been affirmed and upheld.

3. Learned counsel for the petitioner has submitted that he had demonstrated that he had never joined late and that the period of absence was not willful and deliberate but only because of his suffering from virulent form of Jaundice that he was prevented from joining his job for two months, for his absence from duty, he had made a representation also, but belatedly.

4. It has further been submitted that only the issue/evidence of joining after two months with medical certificate has been adverted to by the District Magistrate, Muzaffarpur in appeal and the other issues/grounds of termination of the contract of the petitioner by the Deputy Development Commissioner-cum-Additional District



Programme Coordinator, DRDA, Muzaffarpur has not at all been looked into.

5. The other ground which has been raised in the petition is that the order of termination of contract was passed in the year 2015 and immediately thereafter, the petitioner made an appeal before the Collector. The order in appeal has been passed by the Collector in the year 2018, giving the petitioner legitimate expectation that the grounds urged by him in appeal was being looked into. The order does not refer to, except for his unauthorized absence for two months, the correctness of any of the grounds on which his contract has been terminated and for which he had offered all the documents in support of his contention.

6. Under the aforesaid circumstances, this Court is inclined to accept the request of the petitioner to permit him to make an application before the Principal Secretary, Rural Development Department, Bihar, Patna (respondent no. 2) to review the orders impugned in the present



petition on the petitioner filing such an application within a period of four weeks from today, which shall be disposed of within a further period of six weeks thereafter.

7. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.04.2019
Transmission Date	

