

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12846 of 2014

1. Raghuvansh Mani, Son of Shashi Bhushan Prasad, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Chilhoas, Post O
2. DINESH KUMAR Son of Late Bhuneshwar Prasad, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Dumaria, Post Of
3. DINESH KUMAR SHARMA Son of Late Raj Nath Sharma, P.S. Sikrahta, Block - Tarari, District - Bhojpur Bihar
4. MAHESH KUMAR KESHARI Son of Vishwanath Prasad Keshari, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Shankardih, P
5. PREM KUMAR NIRALA Son of Heera Prasad, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Ghagha, POst Office - Kori
6. CHANDAN KUMAR Son of Nimrikhi Ram, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Sahjauli, Post Office - Sh
7. DEVENDRA KUMAR DAS Son of Awadhbihari Das, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Dhanchhua, Post Office
8. RAJIV RANJAN Son of Agni Prasad Singh, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Power, Post Office -
9. ABHAY SHANKAR Son of Nagendra Kumar Pandey, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Kasap, Post Offic
10. DAYA SHANKAR RAJAK Son of Late Jhagru Ram, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Mashadh, Post office -
11. NIRAJ KUMAR DEO Son of Deo Kumar Sharma, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Parsoanda, Post Office
12. SHASHI BHUSHAN PRASAD Son of Ram Chandra Prasad, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Isharpura, Post Offi
13. AKARAM ALI Son of Abdul Razzaq, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Khutahan, Post Office - Kh
14. NARESH KUMAR SINGH Son of Basant Kumar Singh, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Hariharpur, Post off
15. RAHUL RANJAN RAI Son of Vidyanand Kunwar, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Goara, Post Office - K
16. SANTOSH KUMAR Son of Madhav Prasad, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Ayar, Poast Office - Ayar
17. RANJAN KUMAR CHAUBEY Son of Jagdish Chaubey, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Akoana, Post Office - U
18. MITHILESH KUMAR SINGH Son of Shiv Murat Chaudhary, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Karath, Post Offic
19. SANJAY KUMAR Son of Pancham Prasad, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Babhangawan, Post Office
20. SATISH KUMAR SAH Son of Vindyachal SAh, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Bimwa, P.S. Jagdishpur,



21. DAYANAND SINGH Son of Late Kedar Nath Singh, Posted as Panchayat Rozgar Sewak in Gram Panchayat - BHaroali, Post Of
22. UDAY KUMAR Son of Agnu Prasad, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Amruha, Post Office - Amruh
23. ANIL KUMAR CHAUDHARY son of Kapildeo Mehta, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Garhani, Post Office - G
24. UMESHWAR PRASAD Son of Late Siya Ram Singh, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Khananikala, Post O
25. ATUL PRATAP SINGH Son of Awadesh Kumar Singh, Posted as Panchayat Rozgar Sewak in Gram Panchayat - Ichari, Post Office

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary Rural Development Department Govt. of Bihar Old Secretariat, Patna
3. The District Magistrate, District - Bhojpur
4. The District Programme Co - ordinator, District - Bhojpur
5. The Deputy Development Commissioner - Cum - Chief Executive Officer, District - Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Arvind Prasad Singh, Advocate
For the Respondent/s : Mr Durgesh Nandan, AAG XIV
Mr Jitendra Kr, AC to AAG XIV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 24-06-2019

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

2 Petitioners were engaged on monthly fixed pay of Rs 2,000/- per month for discharging duties under the Mahatma Gandhi National Rural Employment Guarantee Act (for brevity, MNREGA). The engagement of the petitioners was contractual



and the contract itself contained specific stipulation that the performance of the petitioners would be subjected to review by the District Rural Development Agency during the period of contract. The Rural Development Department, Government of Bihar has laid down State wide standards as regards the performance of the persons engaged under the contract to ensure that the objectives of the MNREGA Scheme are achieved in true letter and spirit. Amongst other parameters, the Department, has laid down the number of man days to be achieved by the performance of the persons engaged under the contract.

3 The petitioners' performance was not satisfactory and not as per the standards laid down by the Department. The uniform standards laid down by the Department have, thus, been made the basis of reviewing the performance of the petitioners in terms of the contract of appointment (Annexure A to the counter affidavit).

4 Since the action is taken under the contract to which the petitioners are signatories, there is no occasion for this Court to interfere in the decision of the authorities not to take work from the petitioners in light of their performance review, as contained in impugned order dated 13.02.2014, issued by respondent No 2, i e, the Principal Secretary, Rural Development Department,



Government of Bihar, Patna, as per uniform standards laid down by the Department.

5 Learned counsel for the petitioners, in support of his prayer, has placed reliance on the judgment of this Court passed in CWJC No 8681 of 2012 in the case of Ajay Kumar Choudhary & Others -Versus- State of Bihar & Others.

6 On going through the said judgment, this Court would observe that the issues decided under the said order was totally different than what has been raised in the instant proceedings. Judgment in the case of Ajay Kumar Choudhary (supra) was passed in the background of facts wherein the conditions of making per month fixed pay to the persons engaged on contract was sought to be altered contrary to the terms of the contract so as to make payment on daily wages. That is not issued here in the instant proceedings.

7 For the reasons indicated herein above, this Court does not find any merit in the writ petition. The same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2019
Transmission Date	NA

