

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7081 of 2015

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Manoranjana Singh, Jansevak, Ramsapur Panchayat, Block Daraunda, District Siwan, son of Late Bhagwat Sharan Singh, Resident of Village - Mohammadpur, Police Station - G.B. Nagar, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Panchayati Raj Department, Bihar, Patna
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Siwan.
4. The Sub Divisional Officer, Maharajganj, District - Siwan.
5. The Block Development Officer, Daraunda, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Ajay Kumar Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 16-04-2019

Heard counsel for the petitioner and counsel for the State.

Petitioner has assailed the award of minor punishment to the extent of withholding of one increment with non- cumulative effect with warning for future; and to the extent that dues other than subsistence amount has been denied by the respondents. The order of punishment was dated 03.12.2008 issued by respondent no.3, District Magistrate, Siwan.

Against the order of punishment, petitioner has preferred Service Appeal. Service Appeal no. 36/2009 filed by the petitioner



was rejected by the Commissioner, Saran Division, Chapra under order dated 13.03.2015. The orders of the District Magistrate as well as the Commissioner are both challenged in the instant proceeding.

Allegation was enquired and it was found that the petitioner had made some appointment which was not in accordance with law and some other irregularities were committed during implementation of Manrega scheme at the relevant time. Petitioner was working as Jansewak and was holding additional charge of Panchayat Secretary of Ramsapur Panchayat at Daraunda block in the district of Siwan.

Petitioner's counsel has submitted that the charge which was found partly proved was regarding the petitioner having made appointment of contract panchayat teachers by resorting to illegal procedure. It is submitted that consequent thereto, appointment of the petitioner was cancelled by the order of the Block Development Officer dated 22.06.2007.

He submits that subsequently order dated 22.06.2007 whereby appointment, which was alleged to have been illegally made by the petitioner, had been set aside by this court in a proceeding arising out of C.W.J.C. no. 8172/2007.



In view thereof, there is no basis for conclusion of the authority that the petitioner had made illegal appointment. It is submitted that in view of order dated 22.06.2007 having been set aside by this court, appointment which is alleged to have illegally been made by the petitioner, was found to be valid by the court as well as by the District Teachers appellate Authority, Siwan under order dated 04.11.2009.

The said point has also been raised by the petitioner before Commissioner, Saran Division, Chapra.

Having considered the entire issue this court would find that the Commissioner has rightly come to the conclusion that setting aside appointment cancellation order dated 22.06.2007 on the ground that opportunity of hearing was not afforded to those effected persons and that the same was bad for violation of principles of natural justice cannot be made the basis to conclude the appointments made by the petitioner was valid and legal. Neither this court in C.W.J.C. No. 8172/2007, nor the District Teachers Appellate Authority, Siwan has looked into and declare the appointments made by the petitioner to be valid. Only cancellation of appointments made by the petitioner in violation of principles of natural justice has been held to be illegal.



For the reasons indicated above, this court find no merit
in this writ petition and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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