

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9266 of 2015

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Yogendra Prasad Yadav, Son of Sri Mathura Prasad Yadav, Resident of
Village Murhena, PS - Chamotha, District Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Panchayati Raj
Department, Government of Bihar, Patna
2. The Commissioner, Purnea Division, District Purnea.
3. The District Magistrate, Katihar
4. The Deputy Development Commissioner, Katihar
5. The Programme Officer, Block Barari, District Katihar.
6. The Block Development Officer (BDO) Block Barari, District Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr D K Sinha, Sr Advocate with Mr Ramchandra Sahni, Advocate
For the Respondent/s	:	Mr Amit Bhushan, AC to GP XVII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-09-2019

Heard learned Senior Counsel for the petitioner as well
as the respondent-State.

2 The petitioner was working as a contractual
employee under the Deputy Development Commissioner. He was
discharging the duties of Panchayat Technical Assistant, Block –
Barari in the district of Katihar for execution of various schemes.
It appears that some deficiencies were detected in certain scheme
for which petitioner, along with others, was held liable under some



enquiry conducted by the Vigilance. The Deputy Development Commissioner -cum- Additional District Programme Coordinator, under order dated 03.02.2012, directed for recovery of an amount of Rs 2421.25 P from the petitioner. The same order also directed for institution of criminal/certificate proceedings against the petitioner and the other three persons enumerated therein. Said order was challenged in CWJC No 1618 of 2012. Considering the fact that the liability had been fixed without complying with the principles of natural justice, this Court directed that the order passed by the Authorities on 03.02.2012 be treated as a show cause notice and opportunity be given to the petitioner to respond to the same. The petitioner has filed an elaborate and detailed response wherein he has denied the charges. The issue, therefore, lay in realm of the respondent-Authorities to consider sufficiency of the explanation offered by the petitioner.

3 In order to establish his bona fides, under protest, petitioner has deposited the amount of Rs 2421.25 P. Treating it to be the mitigating circumstance in favour of the petitioner, Authorities themselves have decided to drop the certificate case instituted against him. However, since the order dated 03.02.2012 was still in existence, they have terminated the petitioner from his



contractual existence in the District Rural Development Organization (for brevity, DRDA).

4 Since the Authorities themselves have decided to drop the certificate case against the petitioner and he has deposited the amounts, this Court would consider that ends of justice would be met by absolving the petitioner of the stigma attached on account of the office order dated 03.02.2012 as well as order dated 22.05.2015 issued by the Deputy Development Commissioner -cum- Additional District Programme Coordinator of the DRDA, Katihar.

5 In view of the aforesaid observation, it would be open for the respondent-Authorities to consider the petitioner's engagement on contractual basis and he should not be debarred from consideration on account of the aforesaid orders.

6 Writ petition is allowed to the aforesaid extent.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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