

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6890 of 2011

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Rashmi Rani Suman, wife of Shambhu Saran, permanent resident of Village –
Dewlay, P.S.- Sheikhpura, District - Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar,
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna
3. The District Magistrate-cum-Chief Executive Officer, Sheikhpura.
4. The Deputy Development Commissioner-cum-Additional Chief Executive Officer-Cum-District Programme Coordinator, Sheikhpura D.R.D.A. (District Rural Development Agency)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Ravi Verma, AC to GP4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 18-01-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

This petition is being disposed of on the short point that the petitioner was earlier terminated on the ground of involvement in the misdemeanor but without issuing any show cause, the action was taken. The petitioner has filed her show cause and without dealing with the fact mentioned therein vide order dated 02.01.2012 the District Magistrate-cum-District Programme Coordinator, Shaikhpura refused to reengage the petitioner on account of involvement in series irregularities.

The petitioner was appointed as Programme Officer, Shekhopur Sarai. It was contractual appointment for two years



which was extended by two years and, thereafter, the respondent Authority found the petitioner was involved in serious irregularities, terminated the services of the petitioner vide memo no. 209 dated 30.01.2010, which was challenged in C.W.J.C. No. 4124 of 2010 which was allowed and the matter was remanded back with a direction to take action after giving the show cause. Accordingly, the show cause was given to the petitioner, which was replied in detail but the final order dated 02.01.2012, which is cryptic order without consideration of the fact mentioned therein, has been passed.

In such view of the matter the order dated 02.01.2012 (Annexure 1/1) is set aside. The matter is remanded back to the District Magistrate-cum-Chief Executive Officer, Shaikhpura to take a fresh decision in accordance with law.

However, it is made clear that the petitioner will not be at liberty to join the post or any monitory benefit, which will be subject to the final decision taken by the District Magistrate.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan

AFR/NAFR	NAFR
CAV DATE	NA
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