

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14439 of 2019

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Anil Kumar Ram S/o- Nandji Ram Resident of Village- Badki Nainijor, P.O.-
Badki Nainijor, P.S.- Nainijor, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Project Director, Bihar Mahadalit Vikash Mission Bihar, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The District Magistrate, Buxar.
5. The District Welfare Officer cum District Project Officer, Buxar.
6. The Sub- Divisional Officer, Dumraon, Buxar.
7. The Block Development Officer, Brahmpur, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary
For the Respondent/s : Ms. Kumari Amrita (GP 3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 19-07-2019

Heard the learned counsel for the parties.

The petitioner has challenged the order dated 03.06.2019 passed by the District Welfare Officer-cum-District Project Officer, Buxar whereby the contract of the petitioner as Vikash Mitra has been terminated as also the order dated 06.04.2019 passed by the Divisional Commissioner, Patna whereby the order passed by the District Welfare Officer-cum-District Project Officer, Buxar has been affirmed and upheld.



By the order dated 03.06.2019 passed by the District Welfare Officer-cum-District Project Officer, Buxar, the services of the petitioner has been terminated on two grounds: one being different date of birth of the petitioner in different documents and the other being that his appointment was not in accordance with the rules for such appointment. The order passed by the Divisional Commissioner, Patna also affirms the same view.

Learned counsel for the petitioner submits that that he was engaged as Vikash Mitra in accordance with the rules in the year 2014 and his date of birth at that time was shown as 15.01.1995 which is his actual date of birth and which finds mention in all other documents including certificates of Bihar Sanskrit Shiksha Board. Except for one document viz. Bihar School Examination Board certificate where the date of birth of the petitioner has been shown to be 06.05.1997, at all other places, the petitioner is stated to be 1995 born. Necessary applications have also been filed by the petitioner before



the Bihar School Examination Committee for correction in the date of birth but up till now no order has been passed. It has thus been submitted on behalf of the petitioner that a wrong entry because of clerical mistake, ought not to come in the way of the service of the petitioner.

The other ground which has been raised by the petitioner is that no instance has been shown in the order indicating any departure from the rules for such engagement as Vikash Mitra. Apart from this, it has been submitted that before terminating the contract, the petitioner ought to have been noticed and heard.

No show cause notice was ever served upon the petitioner and he was never heard. The order has been passed on the complaint of an outsider who may have some axe to grind and about whom the petitioner has no idea.

The Divisional Commissioner, it has been submitted, though was approached by the petitioner but he is not the authority under the guidelines for appointment



and service conditions of Vikash Mitras. Against the order passed by the District Magistrate or any authority of the mission, the appeal lies before Bihar Mahadalit Vikash Mission, Bihar, Patna (State Chapter).

The petitioner under the aforesaid circumstances is directed to prefer an appeal against the orders impugned before the Bihar State Mahadalit Vikash Mission, Bihar, Patna within a period of two weeks, who, on receipt of the same shall pass orders in accordance with law within a further period of two weeks.

Learned counsel for the petitioner has drawn the attention of this Court to the fact that an advertisement also has been issued for filling up the aforesaid post of Vikash Mitra in place of petitioner whose services have been terminated.

It is expected that the Bihar State Mahadalit Vikash Mission, Bihar, Patna shall pass an order on the representation of the petitioner preferably before the process for appointing another Vikash Mitra is completed.



The State Commission shall also consider the feasibility of permitting the petitioner to participate in the selection process afresh.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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