

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1158 of 2019

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Vijay Kumar Mandal Son of Krishnadev Mandal, R/o Village-Sohapur, P.S.-
Narahia, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Joint Secretary Rural Development Department, Govt. of Bihar, Patna.
3. The District Officer Cum District Programme Co-Ordinator, Supaul.
4. The District Officer Cum District Programme Co-ordinator Saharsa.
5. The District Officer Cum District Programme Co-prdintor Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Advocate.
Mr. Karandeep Kumar, Advocate.
For the Respondents : Mr. Harish Kumar (Gp8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 15-02-2019

A supplementary affidavit has been filed during the course of the argument.

2. Let it be taken on record.

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

4. The petitioner, who was initially engaged as a Programme Officer in the year 2007 on contract for two years, is aggrieved by the recommendation made by the District Magistrate-cum-District Programme Co-ordinator, Supaul recommending for termination of his contract for his having not performed the supervisory work as was expected of him.



5. Mr. Bindhyachal Singh, learned counsel for the petitioner has submitted that even though the engagement of the petitioner is contractual; nonetheless his services cannot be terminated without observing the principle of natural justice, more so when his contract has been continuously extended since 2007 till date.

6. It is the case of the petitioner that on 30.01.2015, a show cause notice was issued to him by the District Magistrate-cum-District Programme Co-ordinator, Supaul asking him to explain the irregularities committed in the execution of different schemes under MANREGA in Gram Panchayat Goth Baruari in the financial year 2011-13. The show cause reply which was filed by the petitioner did not find favour with the authority who found that the petitioner defaulted in the supervisory work. The aforesaid opinion was arrived at on the basis of the petitioner not having issued explanation to the concerned erring officials/workers.

7. Learned counsel for the petitioner submits that in his show cause reply, he has categorically stated that all that was to be done at his end was actually executed and the order of the District Magistrate-cum-District Programme Co-ordinator, Supaul, recommending for termination of his contract is based on non-existent facts. The recommendation made by the District Magistrate-cum-



District Programme Co-ordinator, Supaul has still not been acted upon by the Government.

8. The petitioner now has been transferred to Madhepura and the District Magistrate-cum-District Programme Co-ordinator, Madhepura has also issued a fresh show cause to the petitioner to which the petitioner has replied which is pending consideration before the District Magistrate-cum-District Programme Co-ordinator, Madhepura.

9. The petitioner has serious apprehension that the recommendation made by the District Magistrate, Supaul would be followed by the District Magistrate, Madhepura before whom the explanation offered by the petitioner is pending consideration.

10. This court only directs the District Magistrate, Madhepura to apply his mind afresh to the show cause reply and then take a decision in accordance with law.

11. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.02.2019
Transmission Date	

