

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.960 of 2020

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Arjun Kumar Ram, Son of Late Ram Rup Ram, at present residing at Village-
Shukhu Gan Chakala, P.S.- Madhepura, Distt.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, (Gramin Vikash Vibhag), Rural Development Department, New Secretariat, Patna, Bihar.
2. Deputy Development Commissioner, Purnea Division, Purnea.
3. The District Magistrate, Madhepura.
4. Block Development Officer, Kumar-Khand, District- Madhepura.
5. The Mukhiya of Gram Panchayat, Singhpur Gadhiya, Block Kumar Khand, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Prasad Singh, Adv.

For the Respondent/s : Mr. Anjani Kumar (AAG-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 24-02-2020

The petitioner under an agreement worked as
Gramin Aawas Sahayak in Singhpur Gudhiya Panchayat in
the District of Madhepura. The aforesaid contract with him
has been cancelled by order dated 14.08.2018 passed by
the District Magistrate, Madhepura (respondent No. 3).

2. The aforesaid order dated 14.08.2018 is



under challenge in the present petition.

3. It appears from the order impugned that on verification it was found that twelve such persons had been given benefits under the Indira Aawas Scheme who had already availed of that scheme. Under the guidelines in this regard, a person, who once receives such concession, is not to be considered for any further grant of such benefit. In fact, nobody from the family of such beneficiary could be given any benefit under the Indira Aawas Scheme.

4. The petitioner was served with a show-cause notice to which he replied but respondent No. 3/the District Magistrate, Madhepura did not find his reply to be satisfactory and, therefore, cancelled the agreement with him.

5. Learned counsel for the petitioner has pointed out that no sooner had the petitioner found that some of the persons were wrongly recommended for being given the benefit under the Indira Aawas Scheme, an application was filed for deletion of their names, but the same was ignored. None of such beneficiaries, who were the earlier



beneficiaries, have been recommended by the petitioner. However, these two grounds were never adverted to by respondent No. 3 and only for the reason that the Rural Housing Department did not have sufficient manpower requiring the petitioner to undertake the prime responsibility of finding that no advances were against the guidelines in that regard, which, in his estimation, the petitioner did not fulfill, his engagement was cancelled. It has, therefore, been submitted that a short-cut approach has been adopted by respondent No. 3 in cancelling the agreement with the petitioner.

6. These grounds have been urged by the petitioner before the Secretary of the Rural Development Department (Annexure 1 to the writ petition) in a detailed representation filed on 20.09.2018.

7. The aforesaid representation/appeal has not yet been disposed off.

8. The petitioner further grieves that persons who are similarly situated have been reinstated in service but a discriminatory approach has been adopted by the



authorities concerned against him.

9. Be it noted that because of such irregularity in the distribution of the benefits under the Indira Aawas Scheme, an F.I.R. also has been instituted in which the petitioner has been arrayed as one of the accused persons but he is on bail.

10. Under the aforesaid circumstances, the Secretary of the Rural Development Department (respondent No. 1) is directed to dispose off the representation of the petitioner, referred to above, as early as possible, preferably within a period of sixty days from the date of receipt/production of copy of this order. While disposing off the representation by a reasoned order, the concerned respondent shall look into the aforestated grounds urged on behalf of the petitioner and shall verify the same. If it is found that the beneficiaries were wrongly chosen at the instance of the petitioner, no order reinstating the petitioner would be passed. However, if the facts reveal otherwise, the concerned respondent shall pass necessary orders in accordance with law.



11. The writ petition stands disposed off with the
aforesaid observation/direction indicated above.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.02.2020
Transmission Date	N/A

