

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14546 of 2018

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Vivekanand, Son of Sri Prabhu Nath Sah, Resident of Village- Rikhar, P.S.-
Lalganj, District- Vaishali at Hajipur.

... .. Petitioner

Versus

1. The State Of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasha Parishad Parisar, Saidpur, Rajendra Nagar, District Patna through its Director.
3. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasha Parishad, Parisar, Saidpur, Rajendra Nagar, District Patna.
4. The District Magistrate, Muzaffarpur.
5. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan, Bihar Education Project council, Mazaffarpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Arjun Kumar, Adv.
For the B.E.P.C	:	Mr. Girjesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioner and learned
counsel for the Bihar Education Project Council (for brevity
'B.E.P.C.').

2. The fact is admitted that the period of petitioner's contractual existence as Junior Engineer in the Department of B.E.P.C. Muzaffarpur, has lapsed long back, i.e., on 31.03.2020. Having observed so, this Court would take notice of the submission made on behalf of the petitioner's counsel that the impugned order dated 10.04.2018, as contained in Annexure-11



to the writ petition, holds the charge of carrying out the works in an irregular manner to be proved, however, without assigning any reasons whatsoever. The relevant extract of the impugned order dated 10-04-2018, is being reproduced:-

"उपरोक्त प्रतिवेदन एवं पत्रों के आधार पर मध्य विद्यालय, रघुनाथपुर, प्रखण्ड मुशहरी, जिला मुजफ्फरपुर के अतिरिक्त वर्ग कक्ष के निर्माण हेतु चिन्हित कनीय अभियंता श्री विवेकानंद से कार्यालय पत्रांक 7043 दिनांक 21.08.2017 द्वारा अपना पक्ष रखने का मौका दिया गया था। श्री विवेकानंद का पक्ष दिनांक 19.09.2017 को प्राप्त हुआ था। श्री विवेकानंद द्वारा प्राप्त पक्ष एवं जाँच प्रतिवेदन के आधार पर इन्हें दोषमुक्त नहीं किया जा सकता है, क्योंकि इनके द्वारा किये गये अनियमित कार्य प्रमाणित है। अतएव इनका पक्ष स्वीकार्य योग्य नहीं है।"

3. The Court, from a bare perusal of the impugned order dated 10-04-2018, is of the opinion, that the order does not assign any reason nor does it show any consideration for the petitioner's reply to show cause dated 11.09.2017. The petitioner has raised various issues in his reply. However, the same has not been considered.

4. In view thereof, this Court would hold that the petitioner shall not suffer any stigma on account of the



impugned order dated 10.04.2018, and the same shall not come in the way of the petitioner's consideration for employment in future.

5. The writ application is disposed of with the observations/directions.

(Madhuresh Prasad, J)

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