

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9360 of 2019

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Rajeev Nayan, S/o-Panchu Jamadar, R/o Village-Bagula, P.s.-Mohanpur,
District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna
2. The Deputy Secretary, Rural Development Department, Govt. of Bihar, Patna
3. The District Magistrate, Rohtas at Sasaram
4. The Deputy Development Commissioner, Rohtas, Sasaram
5. The Director DRDA-Cum-Member Secretary, District Water and Swachhta Committee, Rohtas, Sasaram
6. Senior Deputy Collector-Cum-Nodal Officer, Akodhigola, Rohtas (Sasaram).
7. The Block Development Officer, Akodhi Gola, District Rohtas
8. Sri Kundan Kumar S/o Ramchandra Prasad R/o Mohalla-Rajiv Nagar, Ward No.7,P.S. Patliputra,Dist.-Patna at present the Block Development Officer, Akodhi Gola, District Rohtas.
9. The Program Officer, Manrega Block Akodhi Gola, District-Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate
For the Respondent/s : Mr.Vivek Kumar, GP7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-09-2022 Heard learned Counsel for the petitioner and learned
Counsel for the State.

The petitioner was working on a contract basis as Panchayat Technical Assistant for discharging works related to MGNREGA in the Akodhigola Block. His contractual services have been brought to an end by impugned order dated 28.01.2019. It is apparent from the order that the same has been



passed after issuing a show cause to the petitioner and based on findings of his not accepting the charge of Block Coordinator.

The learned Counsel for the petitioner submits that the allegations is false. In spite of his best efforts he could not assume charge because of non-cooperation. It is also submitted that he has been victimized because show case was issued to the Block Development Officer-cum-Block Swachhta Padadhikari, Akodhigola. The further submission is that the order has been passed at the District Level though his contractual engagement was by the Department.

State has filed a counter affidavit. They have specifically denied and disputed the allegations. Several instances of communication has been brought on record asking the petitioner to either assume charge or improve his work and in spite thereof it is said that the matter was enquired, and after due opportunity the petitioner's contractual engagement has been terminated.

Insofar as submission regarding the order being by incompetent authority, State has relied upon communication dated 22.09.2009 (Annexure-B series) which allows termination of such contractual engagement at the District level.

The Court, having considered the rival submissions, is



not inclined to go into the factual disputed issue as to how the petitioner was prevented from assuming charge, specifically in view of his own reply (Annexure-05) relevant extract of which reads as follows:-

" हमें जहां तक पता है कि प्रत्येक बैठक में प्रबंध समन्वयक द्वारा लाभकों का प्राप्त आवेदनों को उपलब्ध नहीं करा पाते थे। इसी डर के कारण मेरे द्वारा स्वतः प्रभार नहीं लिया गया। "

Apart from that, the services of the petitioner was contractual and Annexure-B clearly enables the District Authorities to terminate such contractual engagement.

The Court does not find any reason to interfere with the impugned order.

Writ petition is dismissed.

(Madhuresh Prasad, J)

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