

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8772 of 2019

Pratyush Anand, S/o Shyam Sundar Prasad, Resident of Shivpur, Tikiyatoli,
P.s.- Sultanganj, Distt.- Patna at present panchayat Rajgar Sevak, Panchayat
Saraigarh, P.s.- Saraigarh, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Rural Works
Department/panchayat Raj Department, Govt. of Bihar, Patna.
2. The Deputy Development Commissioner Cum Addition Programme
Coordinator Supaul.
3. The District Programme Officer, Supaul.
4. The Block Programme Officer, Chattapur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.Kumar Alok, SC7

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 facts as apparent from the pleadings is that
petitioner was engaged as Panchayat Rojgar Sewak on a
contract basis since 25.06.2011. There has been certain
irregularities in execution of schemes under the MGNREG Act
in respect of which an enquiry was conducted wherein the
petitioner has been held liable for some amounts being the loss
cause in execution of the schemes on account of irregularities
committed by the petitioner.

The learned Counsel for the petitioner submits that the



enquiry was not in accordance with law. It was based on local village politics and behind the petitioner's back without even serving a copy of the enquiry report.

The said submissions have to be considered keeping in background the nature of petitioner's existence, being contractual wherein there is no application of the CCS Rules. The order itself shows that the petitioner was sent notice and he has chosen not to participate/appear for personal hearing in the enquiry. Having done so, this Court would observe that petitioner was waived his right to natural justice and cannot be heard to complaint regarding non-compliance of principle of natural justice. Law in this regard is by now well settled by decision of the Hon'ble Apex Court in the case of ***Board of Directors, Himachal Pradesh Transport Corporation & Anr. vs. K. C. Rahi*** reported in ***(2008) 11 SCC 502***, paragraph 8 of which reads as follows:-

“8. In the instant case we have been taken through various documents and also from the representation dated 19-10-1993 filed by the respondent himself it would clearly show that he knew that a departmental enquiry was initiated against him yet he chose not to participate in the enquiry proceedings at his own risk. In such event plea of principle of natural justice is deemed to have been waived and he is estopped



from raising the question of non-compliance with principles of natural justice. In the representation submitted by him on 19-10-1993 the subject itself reads “DEPARTMENTAL ENQUIRIES”. It is stated at the Bar that the respondent is a law graduate, therefore, he cannot take a plea of ignorance of law. Ignorance of law is no excuse much less by a person who is a law graduate himself.”

No case is made out for interference.

Writ application is dismissed.

(Madhuresh Prasad, J)

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