

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9468 of 2019

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Deepak Kumar, S/o Shri Anand Kishore Prasad, Resident of Village-
Babhangama, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Bihar, Patna.
3. The District Magistrate, Khagaria.
4. The Deputy Development Commissioner cum Additional District
Programme Co-ordinator, Khagaria.
5. The District Programme Officer, Gogari.
6. The Block Development Officer, Gogari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr.Anjani Kumar, AAG4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-09-2022 The petitioner's contractual services as Panchayat
Rojzar Sevak has been brought to an end by order dated
20.01.2018 issued by the Deputy Development Commissioner-
cum-Additional District Programme Coordinator, Khagaria
(DDC for short). The petitioner's appeal against the said order
has also been dismissed by the District Magistrate, Khagaria,
under order dated 31.12.2018. The petitioner, by way of the
instant writ petition, seeks quashing of the two orders dated
20.01.2018, by the DDC, as well as 31.12.2018, by the District
Magistrate, Khagaria.

The brief factual background is that an FIR was



instituted as per direction of the Block Development Officer, Gogari (BDO for short). The same gave rise to Maheshkhunt P.S. Case No. 171 of 2017 for alleged offences under Sections 420, 409 and 468 IPC wherein the petitioner along with eight ward members have been made accused. The criminal case is based on allegation regarding financial irregularity by the petitioner along with the ward members. It is alleged that by affixing photograph of various beneficiaries on photograph of one toilet, bills have been submitted. Thus the bills have been submitted for beneficiaries under the Lohiya Swachta Scheme for construction of toilets for various beneficiaries, though only one toilet was constructed. The same allegations led to issuance of a show cause dated 12.12.2017 to the petitioner. The petitioner has responded to the show cause notice denying the petitioner's role in the alleged misappropriation of funds under the Lohiya Swachta Abhiyan. After due consideration of the petitioner's stand the same has been found unsatisfactory and petitioner's contractual services brought to an end. The actions has been taken under Clause 3 and 4 of the contract executed by the petitioner with the District Rural Development Authority.

The Court finds no reason to interfere with the same, since in his response to show cause notice dated 12.12.2017 as



well as in his appeal filed before the District Magistrate petitioner has admitted to his role, in so many words, which reads as follows:-

"मुझे लाभुकों के आवेदन पत्र जिसपर लाभुक एवं उनके शौचालय का फोटो चिपका था - की भौतिक जाँच हेतु मुझे दिया गया था एवं मेरे द्वारा लाभुकों के शौचालय की भौतिक जाँच की गई थी तथा मेरे द्वारा भौतिक सत्यापन में पाये गये सही स्थिति लाभुकों के नाम के सामने दर्शाते हुए जाँच प्रतिवेदन प्रखण्ड कार्यालय को समर्पित किया गया था।"

It is under such circumstance that the District Magistrate, after due consideration of this plea raised by the petitioner, has arrived at a conclusion, which reads as follows:-

"श्री दीपक कुमार अनुबंध रद्द पंचायत रोजगार सेवक ने अपने अपील अभ्यावेदन भी में स्वीकार किया है कि उन्हें लाभुकों के आवेदन पत्र जिस पर लाभुकों एवं उनके शौचालय का फोटो चिपका कर भौतिक जाँच हेतु उन्हें दिया गया था और उनके द्वारा भौतिक रूप से जाँच किया गया। किन्तु शौचालय पर लाभुक का Photo-Cut-Paste किया गया है इसका प्रतिवेदन उनके द्वारा नहीं दिया गया है। श्री कुमार का यह कथन स्वीकार योग्य नहीं है।



क्योंकि उन्हें अपना प्रतिवेदन अंकित करने के पूर्व आवेदन पर अंकित फोटो से आवेदक एवं शौचालय का भी मिलान किया जाना था। किन्तु उन्होंने ऐसा नहीं किया। ऐसी स्थिति में श्री दीपक कुमार का अपीलीय अभ्यावेदन अस्वीकृत किया जाता है।"

The said conclusion is based on a consideration of the petitioner's reply to show cause, by reasoned and speaking orders. It is also an admitted position that the petitioner is a contractual employee.

This Court, therefore, would observe that the impugned orders require no interference of this Court exercising jurisdiction under Article 226.

Writ petition is devoid of merits and dismissed.

(Madhuresh Prasad, J)

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