

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10557 of 2020

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Ajay Kumar Yadav, Son of Karu Prasad, Resident of Village-Khaira Khurd
P.O.-Kuhila. District Nawada.

... .. 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, Bihar, Patna.
3. The District Magistrate-cum-District Programme Co-ordinator (MANREGA), Nawada.
4. The Deputy Development Commissioner-Cum-Additional District Coordinator (MANREGA), Nawada.
5. The Block Development Officer, Sadar Block, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Advocate
For the Respondent/s : Mr.Kunal Tiwary, AC to GA2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 30-08-2022

Heard learned Counsel for the petitioner and learned
Counsel for the State.

2. The writ application has been filed assailing the
order passed by the Deputy Development Commissioner-cum-
Additional District Programme Coordinator, Nawada, whereby
and whereunder the contractual services of the petitioner as
'Panchayat Rojgar Sevak' has been brought to an end, the order
is dated 04.07.2016. The appeal against the order has also been
dismissed by the District Magistrate, Nawada, on 29.04.2017.
The petitioner thereafter has availed a revisional remedy before



the Secretary of the Department. The revision has also been rejected by order dated 10.02.2020. All these orders are assailed by way of the instant writ application.

3. It appears from the records that based on some irregularities in execution of projects under the MANREGA Scheme several persons, including the petitioner, were issued show cause notices. After considering their response the Deputy Development Commissioner has found the petitioner to be liable for actions leading to misutilization of funds under the MANREGA Scheme.

4. The learned Counsel for the petitioner submits that another contractual employee, namely, Mr. Abinash Kumar Nirala, who was also involved in the same works has been meted out a different treatment. It is submitted that the enquiry report (Annexure-4) does not manifest any findings so as to hold the petitioner responsible for misutilization, misappropriation or misuse of any funds under the MANREGA Scheme in the financial year 2015-2016.

5. The learned Counsel for the State on the other hand submits that after having traveled to the level of the Secretary in revision the petitioner has practically been absolved of the financial implications, which is evident from the order dated



10.02.2020 passed by the Secretary. The petitioner's contractual existence has been terminated taking into consideration a host of factors including his general behavior and insubordinate attitude etc., based on which he has not been found to be of any utility as a contractual employee. The petitioner in view of the status as a contractual employee cannot claim any continuity, once the authorities have not found his utility in the organization.

6. Considering the rival submissions and on going through the order passed by the Secretary, this court would find that the petitioner has been released of all his financial responsibilities for the financial year 2015-2016 in execution of schemes under the MANREGA. The authority apparently otherwise has not found the petitioner fit for being continued under the contractual services based on his general assessment.

7. In view of the nature of order dated 10.02.2020 this Court would observe that the termination by order dated 10.02.2020 shall not carry any stigma. The petitioner would be entitled to consideration for any contractual employment; and for such consideration the stigma arising out of the order dated 04.07.2016, issued by the Deputy Development Commissioner, based on the charges arising out of execution of MANREGA Scheme for the year 2015-2016, shall not stand in the way.



8. The writ application is disposed of.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
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