

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1830 of 2020

Om Prakash Ujjain, S/o Bhagwati Singh, Resident of Village-Araila, Post-Manudihir, P.S. Tiar, District-Bhojpur, Bihar-8021581, Ex-Manager, District Registration and Counseling Centre in Bihar Vikas Mission at Saran at Chapra, Local Address-Kajipur quarters, Quarter No. 33, Road No. 2, Post-Bankipur, P.S. Kadamkuan, Dist-Patna-800004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Cheif Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Planning and Development, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Personnel/Human Resources Department, Govt. of Bihar, Patna.
4. The Executive Chairman, Bihar Vikas Mission, Bihar State Building Construction Corporation Campus Hospital Road, Rajvanshi Nagar, Patna-800023.
5. The Officer on Special cum Chief General Manager, Bihar Vikas Mission, Bihar State Building Construction Corporation Campus Hospital Road, Rajvanshi Nagar, Patna-800023.
6. General Manager, Bihar Vikas Mission, Bihar State Building Construction Corporation Campus Hospital Road, Rajvanshi Nagar, Patna-800023.
7. The Director, Bihar Vikas Mission, Bihar State Building Construction Corporation Campus Hospital Road, Rajvanshi Nagar, Patna-800023.
8. The Member Secretary, Bihar Vikas Mission, Bihar State Building Construction Corporation Campus Hospital Road, Rajvanshi Nagar, Patna-800023.
9. The Development Commissioner, Bihar cum Chairman Sub Mission cum Appellate Authority Bihar at Patna.
10. The District Magistrate, Saran at Chapra.
11. The D.D.C. Saran at Chapra.
12. The Director, District Rural Development Authority, Saran at Chapra.
13. The District Supply Officer Saran at Chapra.
14. The District Accounts /Audit Office Saran at Chapra.
15. The Manager in charge DRCC, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dharmendra Kumar Singh, Advocate
For Respondent No. 1 to 4:		Mr. Binod Kumar Sinha, AC to SC-11
For Respondent No. 4 to 9:		Mr. Devesh Shankaran, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 12-04-2022



Heard the learned counsels for the parties.

2. In the instant petition petitioner has prayed for following reliefs:-

“i. Hon’ble Court be pleased to issue writ in nature of certiorary or order & direction quashing/ setting aside the impugned orders dated 24.7.2018 passed by the Member Secretary Respondent no. 8 and order dated 26.2.2019 passed in Appeal No. 1/2018 by the Appellate Authority Respondent no. 9 and direct the respondent concerned authority to reinstate the petitioner to the real position as held by him treating him in continuance of service in the context with all the service benefits dues/accrued/ accruing therein/ there to arising out of/ or in connection with the services performed/ to be performed by the petitioner.

ii. Hon’ble court be pleased to stay the operation of impugned orders restraining the appointing authority respondents Bihar Vikas Mission not to appoint/ engage a fresh during the pendency of this writ application.

iii. Hon’ble court further be pleased to pass other apocopate orders/directions found deem fit and proper. If the petitioner is entitled thereto in facts and circumstances of the matter.”

3. The petitioner was appointed as Manager District Registration Conselling Centre, Saran at Chapra on 02.08.2016 for a period of 11 months and it was extended from time to time. However, before extension in the year 2018 petitioner’s name was not recommended for further extension on the letter of petitioner dated 12.07.2018 which is stated to have been submitted with



reference to the instruction given by the District Magistrate. It is to be noted that the petitioner's contention is that letter dated 12.07.2018 submitted by the petitioner is on the behest of the District Magistrate and under duress. Therefore, the District Magistrate should not have resorted for such procedure. It is to be noted that petitioner if he is of the view that District Magistrate has no authorization and such letter dated 12.07.2018 was presented by the petitioner at the behest of the District Magistrate under duress in that event petitioner should have protested within one or two days before the next higher authority or to the State Government stating that District Magistrate is pressurizing to give a letter/undertaking as stated in the letter of the petitioner dated 12.07.2018. Therefore, taking such contention that he has given letter dated 12.07.2018 under duress cannot be appreciated at this belated stage and one has to draw inference that it is only an after thought.

4. In the light of these facts and circumstances, petitioner is not entitled to the relief sought in the present petition.

5. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

