

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2827 of 2023

Pratima Kumari @ Pratima Kumari Sah, Wife of Satyendra Saw, Resident of Village and P.O.-Kokila, P.S.-Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar.
2. The Chief Executive Officer, State Project Manager (Human Resources Development), Bihar Rural Livelihood Mission 1st Floor Vidyut Bhawan-II Bailey Road, Patna.
3. The State Project Manager (H.R.D.) Bihar Rural Livelihood Promotion Society State Food Livelihood Mission 1st Floor Vidyut Bhawan-II Bailey Road, Patna.
4. The District Project Manager (H.R.D.) Bihar Rural Livelihood Promotion Society State Food Livelihood Mission 1st Floor Vidyut Bhawan-II Bailey Road, Patna.
5. The District Project Manager, Bhojpur at Arrah.
6. The Block Project Director, Barhara, District-Bhojpur.
7. The Block Project Director, Sahar, District-Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Thakur, Advocate
For the Respondent/s	:	Mr. Saroj Kumar, AC to AAG-4
		Mr. Abhinav Srivastava, Advocate
		Mr. Pushkar Bharadwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 3 20-07-2023 1. Heard learned counsel for the petitioner and learned counsel for respondent-society as well as learned counsel for the State.
2. The petitioner has discharged some duties under the respondent-society, an initiative of the Government of Bihar for poverty alleviation, as a Community Coordinator. She is aggrieved by an order dated 02-09-2021 whereby her services



have been dispensed with.

3. The learned counsel for the petitioner submits that the order is bad in as much as the petitioner had sufficient reasons for being away from her duties from 23-03-2020, which is manifest from her response to the show-cause, copy of which has been annexed as Annexure -14 to the writ petition.

4. The learned counsel for the respondent-society, on the other hand, submits that the petitioner was not holding a civil post and is not a government servant entitled to protection under Article 311 of the Constitution of India.

5. Considering the rival submissions and having regard to the fact that the order casts a stigma on the petitioner's services rendered under the respondent-society, the Court has examined the issue with reference to her reply to show-cause.

1.Firstly, it is to be seen that the reply has been filed on 26-02-2021 and considering the same the order dated 02.09.2021 has been passed. Perusal of the reply itself shows that the fact of absence is not denied or disputed. She has tried to justify her continued absence from services on one pretext or the other. There is no intimation or leave application from the day she has gone away, that is, from 23-03-2020 till 26-02-2021.

6. The facts and circumstances arising from the reply



do not make out a case for interference with the impugned order.

It is also to be noted that as against the termination order of her services under a scheme which is dated 02-09-2021, the writ application has been filed in February 2023, this Court finds that petitioner has not been able to establish any enforceable claim to invoke writ jurisdiction of this Court.

7. The application is dismissed.

(Madhuresh Prasad, J)

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