

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4159 of 2023

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Smt. Gouri Devi, Wife of Ranjeet Kumar, Resident of Village- Maheshpatti,
Ward No. 31, P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, S.C. and S.T. Welfare Department, Government of Bihar, Patna.
2. The Mission Director, Mahadalit Vikash Mishan, IInd Floor, Secretariat Extension Building, Block-3, Patna.
3. The District Magistrate, Darbhanga.
4. The Deputy Director Welfare, Darbhanga Division, Darbhanga.
5. The Municipal Commissioner, Darbhanga Municipal Corporation, Darbhanga.
6. City Manager, Municipal Corporation, Darbhanga.
7. The Deputy Development Commissioner, Darbhanga.
8. The District Welfare Officer, Darbhanga.
9. The District Project Officer-cum-Incharge District S.C. and S.T. Welfare Officer, Darbhanga.
10. The Sub-Divisional Officer, Sadar, Darbhanga.
11. The Block Development Officer, Sadar, Darbhanga.
12. Sunil Kumar, Son of Late Raj Kumar Mochi, Resident of Muhalla- Sher Muhamad Bhiggo, Ward No. 30, P.O.- Lalbag, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate Mr. Chandra Mohan Jha, Advocate
For the State	:	Ms. Kumari Amrita, GP-3
For the Corporation	:	Mr. Bindhyachal Rai, Advocate
For the Mission	:	Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 15-09-2023

1. Heard learned counsels for the parties.

2. The issue is not in dispute that the petitioner was
working under a development scheme. The nature of her



services as a Vikash Mitra was on contract basis under the respondent-Scheme.

3. There is an allegation that some person claiming to be a beneficiary made applications, which were not being acceded to by the petitioner. The said claimant thereafter has approached the higher authorities and direction was issued, as is apparent from the impugned order dated 21.11.2022, for enrolling the said claimant as a beneficiary for the development scheme in Ward No. 31. It appears that the petitioner as Vikash Mitra was objecting to such inclusion as she did not find the person to be eligible for the benefits in the ward wherein he was claiming the benefits. Despite of order passed by the District Magistrate for including the said claimant as a beneficiary, the petitioner has not done so and her existence as a Vikash Mitra has been brought to an end by the impugned order dated 21.11.2022.

4. The short submission of learned counsel for the petitioner is that the impugned order dated 21.11.2022 is not preceded by any compliance with the principles of natural justice. The order manifests that no show cause was issued.

5. Learned counsel for the State, however, submits that at the appellate stage, the petitioner was heard.



6. It is trite law that the impugned order, once it suffers with the vice of non-compliance with the principles of natural justice, merely for the fact that the person has filed an appeal against the same, would not amount to curing such defect at the initial stage.

7. The order of the District Magistrate, therefore, in view of the fact that it has been passed without any opportunity to the petitioner, is found to be unsustainable in the eyes of law. The same is hereby quashed.

8. The order of the appellate authority (respondent-Mission) dated 10.02.2023, confirming the illegal order dated 21.11.2022, therefore, is also found to be unsustainable. The petitioner would be entitled to reinstatement.

9. It is submitted by learned counsel for the petitioner that the contract period of Vikash Mitras has been extended till the date of retirement.

10. In the circumstance, the petitioner should be reinstated in her original status as a contractual employee by the District Magistrate, Darbhanga (Respondent No. 3).

11. Learned counsel for the State submits that the authority should be left with liberty to proceed in accordance with law.



12. Insofar as that submission is concerned, the same is acceptable.
13. With such liberty, writ application is allowed.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
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