

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15021 of 2013

Sanjeet Kumar Prabhakar Son Of Sri Shiv Nandan Prasad Ex-Junior Engineer, Hilsa Block, Police Station Hilsa, District Nalanda, At Present Resident Of Village Nilami Gali, Mohalla - Salempur, Police Station Barh, District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda At Biharsharif
3. The Deputy Development Commissioner, Nalanda
4. The Director, Account Administration And Employment District Rural Development Agency, Nalanda
5. The Program Officer, Hilsa

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.
For the Respondent/s : Mr. Nirbhay K. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 04-01-2023

1. Heard the parties.

2. The petitioner was appointed on contract basis under MNREGA scheme. The allegations of embezzlement of government funds and irregularity and forgery were found against the petitioner for which a criminal case was registered against the petitioner and the same is still pending.

3. Keeping in view the conditions of contract, the petitioner's contractual appointment was cancelled by the order dated 19.11.2010. The petitioner has preferred this writ petition stating that since there is no conviction in the criminal case and



no departmental enquiry was conducted, the order of termination dated 19.11.2010 deserves to be quashed.

4. I have considered the submissions.

5. Taking into consideration that the petitioner was appointed on contract basis and one of the conditions of contract is that a person must not be involved in embezzlement or in forgery or any misconduct. In the event thereof, the person's contractual appointment can be cancelled. The action taken by the respondents cannot be faulted as the petitioner is bound by the condition of contractual appointment.

6. Keeping in view thereto, principles of natural justice and departmental enquiry proceedings would have no application in the said case.

7. Accordingly, the writ petition is misconceived and is dismissed.

(Sanjeev Prakash Sharma, J)

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