

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1337 of 2018

=====

Chanda Kumari Wife of Jitendra Kumar, Resident of Village- Bhartiya Nagar,
Ward No.26, Gram Panchayat- Bijalpur, P.S.District- Saharsa.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar Patna
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The Deputy Development Commissioner, Saharsa.
5. The Collector-cum-District Magistrate, Saharsa.
6. The Block Development Officer, Sattar Kataiya, District- Saharsa.
7. The Mukhiya, Gram Panchayat, Bijalpur, Block- Sattar Kataiya, District- Saharsa.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr.Pramod Mishra, Advocate
For the Respondents : Mr.Vinay Kriti Singh -GA-2

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2023 Heard learned counsel for the petitioner and the

State.

Writ petition has been filed for setting aside order dated 31.10.2017 (Annexure 13), issued by the Deputy Development Commissioner, Saharsa (respondent no.4) by which contractual selection/appointment of the petitioner as Gramin Aawas Sahayak, Gram Pachayat Bijalpur, block Sattar Kataiya, District Saharsa, has been terminated.

Learned counsel for the petitioner submits that pursuant to selection letter dated 3.6.2014 (Annexure 1)



petitioner was appointed on contractual basis as Gramin Awas Sahayak in Gram Panchayat Bijalpur, block Sattar Kataiya, District Saharsa. However, when she requested Block Development Officer, Sattar Kataiya, Saharsa (respondent no.6) to extend her service and make payment of due remuneration, she was issued show cause vide letter dated 28.7.2016 (Annexure 2) directing her to submit explanation within 24 hours to which she filed reply dated 30.7.2016 (Annexure 3) along with statement of beneficiaries who denied the allegation levelled against her. Meanwhile, petitioner also filed representation before Deputy Development Commissioner, Saharsa on 1.8.2016 (Annexure 4). Thereafter, another show cause notice dated 27.8.2016 (Annexure 5) was served to her with direction to submit explanation for the charges levelled against her within 24 hours and she was deputed at District Gramin Vikash Abhikaran, Saharsa till further order to which petitioner filed her reply dated 3.9.2016 (Annexure 7). Petitioner also submitted representations dated 11.7.2017 & 15.11.2017 (Annexure 14) before the Commissioner, Koshi Division, Saharsa.

It is submitted on behalf of the petitioner that the impugned order dated 31.10.2017 (Annexure 13) of termination



of service of the petitioner is stigmatic as the same has been passed without proper consideration of her show cause reply which is violative of principle of natural justice.

Learned counsel for the State supports the impugned order. He submits that as a matter of fact petitioner was selected for one year as Gramin Awas Sahayak under Indira Awas Scheme on contract basis. However, during her working, complaint had been received against the petitioner made by the beneficiaries of the concerned wards with respect to taking gratification in lieu of adding their names in the list of construction of Awas. On the order of the Deputy Development Commissioner, Saharsa, matter was thoroughly enquired by the DCLR, Saharsa vide report dated 3.5.2017. Thereafter, fresh enquiry was conducted by the Director, DRDA, Saharsa vide report dated 4.10.2017 and on consideration of petitioner's reply thereof, order of termination of petitioner's service, has been issued.

Law is well settled that in matters of concluded contract, the parties *per se* are bound by the terms and conditions of the contract and unless there is some breach of any fundamental right of a citizen, it is not for the Court to exercise its power under writ jurisdiction because writ jurisdiction would



not enforce the terms of the contract. However, petitioner has remedy under common law and not under Article 226 of the Constitution of India.

In the aforesaid facts and circumstances of the case, writ petition is dismissed with observation that the petitioner may move the appropriate authority in accordance with law for redressal of her grievances, if any.

(Prabhat Kumar Singh, J)

Shashi

U			
---	--	--	--

