

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14392 of 2021

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Sanjay Kumar Son of Sri Bali Ram Prasad resident of Village - Maniyari, P.O.
- Nauru, P.S. - Kako, District- Jahanabad, Bihar - 804408, former Block
Project Manager, Block - Koanch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Project Director - cum - Chief Executive Officer, 3rd Floor, BISCOMAUN Tower, Gandhi Maidan, Patna - 800001, Gram Swarayug Yojana Society, Government of Bihar, Patna.
3. The Project Director - cum - Chief Executive Officer, 3rd Floor, BISCOMAUN Tower, Gandhi Maidan, Patna - 800001, Gram Swarayug Yojana Society, Government of Bihar, Patna.
4. The State Project Manager (Administration) Bihar Gram Swaraj Yojana Society, Department of Panchayati Raj, Government of Bihar, Patna.
5. The State Project Manager (HR) Department of Panchayati Raj, Government of Bihar, Patna.
6. The Project Manager (HR), Department of Panchayati Raj, Government of Bihar, Patna.
7. The Distrit Project Manager, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra
For the Respondent/s : Mr.Smt. Archana Meenakshee (Gp6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2023 The present writ petition has been filed seeking the following relief:-

“1(A). For issuance of an appropriate writ/s, order/s, direction in the nature of Certiorari for quashing/ setting aside the letter memo No.858 dated 14.06.2019 issued by the respondent No.3, the Project Director, BGSYC, Patna whereby and whereunder the petitioner was terminated from



the service on the post of Block Project Manager-Koanch, District- Gaya on 27.05.2019 in the most illegal, arbitrary and malafide manner on outrightly false, frivolous, malafidely created and concocted allegation/charges without following the termination procedures established by law, departmental rules and circulars. The Para-4.4.3 of the HR manual stands:- "All contract staff shall be initially on probation for a period of 3 months/ extendable by another 3 months and their successfully completing probation, will be retained for a period of 3 years including the period spent on probation. In case the probation is not confirmed even after one extension (a total of 6 months) the contract with candidate would be terminated."

That the respondent No.3 only took up the Paragraph No.4.4.3 but did not follow the Paragraph No.4.4.5 which stands:- "Panel of assessing the performance of staff during probation would be constituted by the PD-cum-CEO. It shall include State & District Level Project Manager". No report/opinions of the state and District Level Projects Manager was shown to the petitioner.

It is also stated that the Paragraph No.4.4.6 was also not followed for a fair hearing.

(B). For issuance of a writ of mandamus or order/orders commanding the respondents to recall the termination order by reinstating the



petitioner with all consequential service and monetary benefits declaring his service as clean and fair maintaining his due seniority and also be pleased appropriate and adequate Civil/ Criminal liabilities on the guilty officials who malafidely and with ulterior motive conspired and still conspiring to victimize the petitioner in one way or another as he submitted an application for reinstatement of his service on 05.03.2021 but in vain.”

2. At the outset, the learned counsel for the petitioner submits that the petitioner has already stood reinstated in service on contractual basis, however, the salary for the period during which he remained out of service i.e. starting from the date of termination of his services i.e. 27.5.2019 till his reinstatement i.e. 11.10.2021 is yet to be paid, hence, he be granted liberty to approach the Project Director-cum-Chief Executive Officer, Bihar Gram Swaraj Yojana Society, Government of Bihar, Patna. Liberty, so sought, is granted.

3. Accordingly, the present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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