

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.299 of 2023

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Md. Ais Alam Ansari son of Md. Jahangir Ansari, Resident of Village-Dahua,
Police Station-Bounsi, District-Banka. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The Additional Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. The Deputy Development Commissioner, Banka.
5. The B.D.O. Katoriya, Banka.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Respondent/s : Mr. Alok Kumar Rahi, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking the following
reliefs:-

“I. For issuance of a writ of certiorari or any other appropriate writ order or direction for quashing the order dated 12.04.2018 contained in memo no. 653 issued by the respondent no. 3 The Deputy Development Commissioner, Banka by which he has most arbitrarily & quite erroneously removed the petitioner from the post of Gramin Awas Sahayak of Kolhasar Gram Panchayat under Block Katoriya, District- Banka without providing sufficient opportunity of hearing.

II. For issuance of a writ of certiorari or any other appropriate writ order or direction for quashing the order dated 11.12.2019 passed by the respondent no.2 The Additional Secretary Department of Rural Development, Government of Bihar, Patna most arbitrarily and quite erroneous rejected



the service appeal of the petitioner without considering the merit of the case as the petitioner has been removed from his service without providing sufficient opportunity of hearing by the respondent no. 4 The D.D.C., Banka.

III. For issuance of a writ of mandamus or any other appropriate order or direction commanding the respondent authorities to reinstate the petitioner on the post of Gramin Awas Sahayak with all consequential benefits.

IV. For any other relief or reliefs for which the petitioner may be entitled, deemed fit and proper in the facts and circumstances of the case.”

It appears on perusal of the writ application that this petitioner was appointed on 30.05.2014 as Gramin Awas Sahayak on contract basis. Learned counsel for the petitioner though, submits that it was for a fixed period which has been extended from time to time, on record there is no such material.

It further appears that while the petitioner was posted as Gramin Awas Sahayak at Kolhasar Gram Panchayat in Katoriya Block, several allegations of corruption came to be made against the petitioner. The allegations were examined. Petitioner was given an opportunity to show-cause but after examining the materials available before the competent authority, vide Memo No. 653 dated 12.04.2018, the Deputy Development Commissioner, Banka directed for lodging of a first information report against him and the Block Development Officer was directed to cancel the contract of the petitioner. It is not known whether FIR has been lodged or



not but it appears that the petitioner had submitted an appeal before the Rural Development Department, Government of Bihar which was heard and disposed of vide order dated 11.12.2019 (Annexure '2'). The Additional Secretary, Rural Development Department has given opportunity of hearing to the petitioner and after perusing the records, he did not find any valid ground to interfere with the order of the competent authority.

This writ application has been filed after more than three years of the passing of the appellate order as contained in Annexure '2'.

Considering that the engagement of the petitioner was on contract basis, there were serious allegations of corruption against him and his engagement on contract basis was cancelled after giving him due opportunity of hearing as also that the impugned orders contained in Annexures '1' and '2' are well-reasoned orders speaking for themselves, this Court is not inclined to interfere with the same.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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