

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1559 of 2020

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1. Alok Kumar S/o Sri Maheshwar Prasad Singh Resident of Flat No. 402, HN Tower, Lichi Bagan, Adampur Ghat, Bhagalpur, P.S.-Jokshar, District-Bhagalpur, PIn-812001
 2. Avinash KUMar S/o Sri Sachchida Nand Sinha, Resident of Indrapuri, Patna, P.S.-Keshari nagar, District-Patna. Pin-800024
 3. Ramakant Ray, S/o Sri Jukum Ray Resident of Village-Bara Nokhil, Koridih, Deoghar, Pin-814152

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department, Government of Bihar, Old Secretariat, Bailey Road, Patna-800001.
2. The Secretary, Rural Development Department, Government of Bihar, Old Secretariat, Bailey Road, Patna-800001.
3. The Director-Cum-Commissioner, MGNREGA, Rural development Department, Governemnt of Bihar, Old Secretariat, Bailey Road, Patna-800001.
4. The C.E.O., BRLPS (Jeevika), Patna.
5. The State Project Manager, BRLPS (Jeevika), Patna.
6. The District Project Manager, the BRLPS (Jeevika), District Project Co-ordination Unit-Banka at Jang Bahadur Singh Complex, Katoria Road, Banka, Pin-813102.
7. The President, Nari Shakti Jeevika Mahila Sankul Estaria Sangh, Kanchan Gali, Thana Road, Katoria, Banka.
8. The Secretary, Nari Shakti Jeevika Mahila Sankul Estaria Sangh, Kanchan Gali, Thana Road, Katoria, Banka
9. The Treasurer, Nari Shakti Jeevika Mahola Sankul Estaria Sangh, Kanchan Gali, Thana Road, Katoria, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. Vinay Kirti Singh, GA 2

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 21-09-2023 On call, no one appears on behalf of the petitioners
although the State is present.

2. The present petition has been preferred for the



following reliefs:-

(i) an appropriate writ may be issued for quashing the impugned order vide letter dated 03.10.2019 for illegal termination of the services of the petitioners (Annexure-2, 2/1 and 2/2);

(ii) an appropriate writ may be issued declaring the impugned order vide Letter dated 03.10.2019 is unenforceable and null and void in law as the same was issued without having authority and without following the Principle of natural Justice;

(iii) an appropriate writ in the nature of mandamus may be issued directing the respondents not to discontinue the services of the petitioners and pay the arrear of salary.

3. From Annexure 1 i.e. letter no. 460 dated 19.06.2017, paragraph nos. 8, 10 and 11 read as follows:-

“8. In case of discontinuance, either party is required to give one month notice or one month remuneration in lieu thereof. The district authority may also terminate your services in the event of continuous absence from duty without approval from competent authority for 5 days or more. However, you have to give one month notice or one month remuneration in lieu of notice if you



intend to discontinue from service.

9. You would not be allowed to take up any part time/ full time employment or assign elsewhere or do any full time business during the period of the contract with the DPCU is found that you engage yourself in such employment, this contract will be automatically terminated or appropriate action would be taken.

11. The joining offered to you is on contractual basis for the mentioned period and any claim permanence on this basis would not be acceptable.”

4. Further, taking into account that his work was evaluated and was found unsatisfactory. Accordingly, the order was passed.

5. No interference is required.

6. However, since no one has appeared, the petition stands dismissed for non-prosecution.

(Rajiv Roy, J)

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