

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1301 of 2019

=====

Prem Kumar, S/o Late Upendra Singh Resident of Village- Sarvodaya Nagar,
Post- Mirzapur Bandwar, Police Station- Town Thana, District- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Rural Development Department, Old Secretariate, Bihar, Patna
2. The Principal Secretary-cum-Second Appellate Authority, Rural Development Department, Bihar, Patna
3. The Director, Manraga, District Rural Development Authority (DRDA), Begusarai
4. The Joint Secretary, Rural Development Department, Government of Bihar, Patna
5. The Divisional Commissioner-cum-First Appellate Authority, Munger
6. The District Magistrate-cum-Collector-cum-District Programme Coordinator, Begusarai
7. The Director Accounts Administration-cum-Public Information Officer, District Rural Development Agency, Begusarai
8. The Deputy Development Commissioner (DDC), Begusarai
9. The District Programme Officer (Manraga), Balia, District- Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajoy Kumar Chakraborty, Adv. Mr. Krishna Murari Rawat, Adv.
For the State	:	Mr. Saroj Kumar (AC to GP-7)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-02-2024 Learned counsel for the petitioner and learned counsel
for the State are present.

2. It transpires to this Court that the petitioner has aggrieved from Annexure-17 *vide* Memo No. 522 dated 22.09.2018 by which the contract of the petitioner has been cancelled.



3. Learned counsel for the State submits that agreement of contractual appointment under Bihar Rural Development Society provides the service condition and according to him, the engagement of the petitioner and like persons will stand terminated if, he shall continuously absent for five days or more from duty without taking leave permission from the competent authority.

4. Counsel for the petitioner is not in a position to assist this Court properly. The correct position of law is otherwise as under Bihar Rural Development Society, separate forum for resolving disputes has been framed in which the Appellate Authority is District Magistrate/Collector and the second Appellate Authority is Secretary. Here, in the present case, the original order has been passed by Deputy Development Commissioner, Begusarai and therefore, the appeal shall lie to the District Magistrate, Begusarai.

5. As such, this writ petition is hereby disposed off directing the petitioner to challenge Annexure-17 *vide* Memo No. 522 dated 22.09.2018 before the Collector within 30 days from the date of production of the order.

6. The petitioner is directed to file his appeal before the Collector and Collector is directed to decide this appeal



within 90 days thereafter, by a reasoned and speaking order.

7. Delay if any in filing the appeal is hereby directed
to be condoned.

(Dr. Anshuman, J.)

Divyansh/-

U			
---	--	--	--

