

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4672 of 2020

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Arun Kumar Satyarthi Son of Ishwari Prasad, Resident of Village-
Chhatarwar, Konadpur, P.S.- Pakribarwa, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Chief Executive Officer-cum-Mission Director, Lohia Swacch Bihar Abhiyan (LSBA), Rural Development Department, Government of Bihar, Patna.
3. The State Co-ordinator, Lohia Swacch Bihar Abhiyan (LSBA), Rural Development Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Chairman, District Water and Sanitation Committee, Nawada.
5. The D.D.C.-cum-Vice Chairman, District Water and Sanitation Committee, Nawada.
6. The Director, District Water and Sanitation Committee, Nawada.
7. The District Co-ordinator, District Water and Sanitation Committee, Nawada.
8. The Secretary, District Water and Sanitation Committee, Nawada.
9. The Block Development Officer, Kashichak Block, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Jain, Adv.
For the Respondent/s	:	Mr.Vikash Kumar (SC11)
	:	Mr. Piyush Kumar Pandey, AC to SC11

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 25-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
quashing of the termination order bearing Memo No.1086 dated
06.10.2018 issued by the District Magistrate-cum- Chairman,
District Water and Sanitation Committee, Nawada whereby the



petitioner had been terminated from the post of Block Coordinator of Kashichak Block, District- Nawada.

3. Counsel for the petitioner submits that the said order of termination is arbitrary and without jurisdiction. He further submits that admittedly, the petitioner was working as Block Coordinator under Lohia Swaccha Bihar Abhiyan (hereinafter referred to as 'LSBA')

4. Counsel further submits that for the purpose of implementation of the LSBA in Bihar and the Human Resource Development Manual, 2017 has been prepared and according to the said manual, Annexure-8 categorically indicates that who shall be the authority for disciplinary power. Counsel further submits that in column 13 of the manual, it has been indicated that for the person working as Block Coordinator, the final authority for disciplinary power shall be the District Magistrate-cum- Chairman to accept termination and dismissal.

5. Counsel further submits that the authority to terminate and dismissal of LSBA staffs lies entirely with the CEO -cum- MD.

6. Counsel for the State submits that counter-affidavit has been filed and in paragraph 10 of the said counter-affidavit, it is the stand taken by the State that under the rule of LSBA



HRD Manual, the power of major disciplinary control of the staff is vested with the District Magistrate -cum- Chairman, DWSC.

7. Counsel further submits that since the petitioner was working in District level and CEO-cum- MD at the State Cell, LSBA fully clarifies that the respondent No.4 is the final authority having full jurisdiction to pass such order of termination and the appellate authority would be CEO -cum- MD. Therefore, the dismissal order which has been passed by the District Magistrate -cum- Chairman shall be final.

8. In the light of the submissions made by the parties and upon perusal of the LSBA, it transpires to this Court that there is subsistence in the arguments of the counsel for the petitioner that the final disciplinary authority for the Block Coordinator is District Magistrate -cum- Chairman, DWSC accept for termination and dismissal.

9. It transpires to this Court that the stand of the State is not correct as in chapter 16 of the LSBA HRD Manual, 2017 under heading disciplinary control system, it has been categorically mentioned that where the final authority is CEO-cum- MD, the appellate authority will be Secretary RDD and where the final authority is District Magistrate -cum- Chairman,



the appellate authority will be CEO-cum- MD. Hence, in this view of the matter, the stand of State is not correct and since order of termination which is under challenge before this Court contained in Memo No.1086 dated 06.10.2018, has been passed by the District Magistrate -cum- Chairman, DWSC is not in accordance with the LSBA HRD Manual, 2017. As such, the said order of termination dated 06.10.2018 and the appellate order dated 28.01.2019 are hereby set aside as non-jurisdictional.

10. Counsel for the State is free to take decision at the level of competent authority only as mentioned in LSBA HRD Manual, 2017

11. With the aforesaid direction, the present writ application is hereby allowed.

(Dr. Anshuman, J.)

Prakashmani/-

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