

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11997 of 2024

Md. Kaushar Ali Son of Ashraf Miya Resident of Village-Penghi, P.S. Barhat,
District-Jamui

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The Secretary, Department of Rural Department, Government of Bihar, Patna
3. The Deputy Secretary, Department of Rural Department, Government of Bihar, Patna
4. The District Magistrate, Jamui.
5. That Deputy Development Commissioner, Department of Rural Development, Jamui.
6. The District Agriculture Officer, Jamui.
7. The Block Development Officer, Barhat, District-Jamui
8. The Gramin Awas Parveshak, Barhat, District-Jamui

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Adv.
For the Respondent/s : Mr. Standing Counsel 24

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing the order dated 01.12.2023 contained in Letter No.2428608 dated 02.01.2024 passed in Appeal No.118-28/2019 passed by the Secretary, Department of Rural Development, Bihar, Patna and further for quashing of the order contained in Memo No.109 dated 28.01.2019 passed by the Deputy Development Commissioner, Jamui.

3. Learned counsel for the petitioner submits that the petitioner was appointed on 24.07.2014 on the post of Awas



Sahayak on contractual basis in Lakshmipur Block, Jamui. Counsel submits that the petitioner was doing his work with utmost sincerity from the date of his appointment and thereafter, transferred to Sikandra Block. Counsel further submits that from the orders under challenge, it transpires that the allegation has been made against the petitioner that he has made conspiracy in allotment of Pradhan Mantri Awas Yojana to his relatives as well as to himself who are five in numbers. Counsel submits that he is a contractual employee and in allotment of Pradhan Mantri Awas Yojana, there is absolutely no role and every application has to be verified at the different levels and only after proper scrutiny of the different level officials, the sanction for construction of Pradhan Mantri Awas Yojana has to be allotted. Counsel submits that the petitioner is merely a contractual employee and being a weakest chain, action has been taken against him.

4. Learned counsel for the petitioner submits the petitioner is living independently from the family and therefore, those relatives who are living separately and independently, have obtained sanction for construction of Pradhan Mantri Awas Yojana independently at independent places.

5. Learned counsel for the State on the other hand



submits that the action has been taken against the petitioner primarily by the DDC, Jamui who used to work as watch dog under the Panchayati Raj Act, 2006 for the implementation of the Panchayati schemes and his recommendations and orders cannot be ignored as they are working as *prahri* for the proper implementation of the Panchayati Raj schemes under the Panchayati Raj Act, 2006. Counsel further submits that from the order passed by the Secretary which is Annexure-1/A i.e. order dated 01.12.2023, it become crystal clear that proper opportunity has been granted to the petitioner and granting him all opportunity and hearing his defence, a reasoned and speaking order has been passed.

6. Upon perusal of the decision taken by the Secretary, Department of Rural Development, Bihar, Patna, it transpires to this Court that the order has been passed following the principles of natural justice and full of reasons. Therefore, this Court is not inclined to interfere in the said order and hence, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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