

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5928 of 2018

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Mangalam Kumar Singh, Son of Shri Mithilesh Kumar, Singh, resident of
Village P.O.- Ramnagar, Police Station- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Secretary, Rural Development Department, Government of Bihar, Patna.
4. The Chief Executive Officer-Cum- Mission Director L.S.B.A., Rural Development Department, Government of Bihar, Patna.
5. The State Co-ordinator, (L.S.B.A), Rural Development Department, Government of Bihar, Patna.
6. The District Magistrate-cum- Chairman, District Water and Sanitation Committee, East Champaran (Motihari)
7. The Deputy Development Commissioner-Cum- Deputy Chairman, District Water and Sanitation Committee, East Champaran (Motihari)
8. The Director, District Rural Development Agency-cum- Member Secretary, District Water and Sanitation Committee, East Champaran (Motihari)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar, Advocate

For the Respondent/s : Mr.Anjani Kumar- AAG-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 13-02-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2.The present writ petition has been filed challenging
the order contained in Memo No. 747 dated 08.03.2018 passed



by respondent No.5 by which the service of the petitioner has been terminated by way of inflicting punishment without holding any enquiry and holding guilty as required under clause 16(B) (iii) of the H.R. Manual 2017 and petitioner further prays for payment of his salary due since February 2017 till date.

3. Learned counsel for the State has raised the preliminary objection that the present writ petition is not maintainable directly before this Hon'ble Court due to the reason that the petitioner was working as District Coordinator in the light of Lohia Swachh Bihar Abhiyan functional under the Rural Development Department, Government of Bihar, Patna. Learned counsel for the State also submits that from perusal of the order impugned, it appears that it is not the decision of termination, rather it is decision not to extend the contract. He further submits that with a view to deal the disciplinary control system a policy/guideline has been framed under which the concept of original and appellate authorities are there. Counsel further submits that in the present case, Administrative Officer cum the State Coordinator has passed this order, therefore, the appeal shall lie before the higher authority at the level of Secretary.

4. As such, this writ petition is disposed off directing



the petitioner to avail his remedy before the appellate authority within 30 days from the order and the appellate authority upon hearing the petitioner shall pass a reasoned and speaking order on the appeal preferred by the petitioner within 90 days thereafter.

(Dr. Anshuman, J)

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