

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17286 of 2023

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Mithilesh Kumar Son of Ram Dayal Mahto, Resident of Village - Korbaddha,
P.S. - Samastipur-Mufassil, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur.
4. The Deputy Development Commissioner, Samastipur.
5. The Sub-Divisional Officer, Samastipur.
6. The Incharge Officer, Bihar Administrative Reforms Mission Society, Samastipur.
7. The Block Development Officer, Bithan, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vinay Mistry, Advocate
For the Respondent/s	:	Mr.Sita Ram Yadav (GP-16)
		Mr. Jitendra Kumar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-02-2024 The present writ petition has been filed
seeking the following reliefs:-

"1.i) For issuance of a writ in the nature of Certiorari for quashing of the order bearing Memo No. 3386 dated 07.10.2023 (Annexure-P-4) passed by the Deputy Development Commissioner, Samastipur whereby the service of the petitioner on contract basis has been cancelled on the ground of temporary



misappropriation in terms of the official Letter No. 196 dated 25.03.2022 as the petitioner has neither transferred the amount of Rs.3,60,000.00 in the account of Block Development Officer, Bithan for construction of "Awas" to the three beneficiaries nor has misappropriated the aforesaid amount in the facts and circumstances of this case.

ii) For issuance of a writ in the nature of Mandamus directing the Respondent No. 4 Deputy Development Commissioner, Samastipur to re-examine whether the records was sent to the petitioner to delete the name of the beneficiaries-Yashoda Devi, Afsara Khatoon & Raushan Khatoon in the facts and circumstances of this case.

iii) For issuance of a writ in the nature of Mandamus directing the respondent authorities to re-instate the petitioner on the post of Executive Assistant, Bithan, Ujjiyarpur Block, Samastipur and accordingly to pay the salary to the



*petitioner in the facts and
circumstances of this case.”*

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 07.10.2023 passed by the Deputy Development Commissioner, Samastipur, by filing appropriate appeal. Liberty, so sought, is granted.

3. It is needless to state that in case appropriate appeal is filed within a period of two weeks from today, the appellate authority shall consider the same, in accordance with law, and pass a reasoned and a speaking order, within a period of eight weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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