

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2106 of 2021

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Mukesh Kumar, Son of Shri Vasudeo Prasad, Mohalla- Ashok Nagar, Road
No.9/A, P.S. Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Ruler Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Ruler Development Department, Government of Bihar, Patna.
3. The Secretary, Ruler Development Department, Government of Bihar, Patna.
4. The Upper Secretary, Ruler Development Department, Government of Bihar, Patna.
5. The District Officer (District Magistrate) District, Patna.
6. The D.D.C. (Deputy Development Commissioner) District, Patna.
7. The Block Development Officer, Block- Maner, District-Patna.
8. The Block Development Officer, Block- Bakhtiyarpur, District-Patna.
9. The Gramin Awas Paryveshak (GAP), Block- Maner, District-Patna.
10. The Gramin Awas Paryveshak (GAP), Block- Bakhtiyarpur, District-Patna.
11. The Gramin Awas Account Assistant, Block- Maner, District-Patna.
12. The Gramin Awas Account Assistant, Block- Maner, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Respondent/s : Mr. Sudhanshu Bhushan, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 17-06-2025

Heard Mr. Arvind Prasad Singh, learned Advocate for
the petitioner and Mr. Sudhanshu Bhushan, learned Advocate
for the State.

2. The challenge in the present writ petition is made to
the order dated 06.02.2019, issued by the District Magistrate,
Patna, whereby the contractual appointment of the petitioner on
the post of *Gramin Awas Sahayak* in Block Bakhtiyarpur,
district Patna came to be cancelled. The petitioner further



prayed for a direction upon the respondents to reinstate him in service and make payment of entire consequential benefits.

3. Learned Advocate for the petitioner submitted that some facts are not in dispute that the petitioner was duly appointed as *Gramin Awas Sahayak* in the year 2014 pursuant to the employment letter issued under the signature of the Deputy Development Commissioner, Patna with a categorical stipulation that the appointment on the said post shall be made for one year and if the service is found satisfactory, it may be extended for a period of further one year. The services of the petitioner was found satisfactory and time to time it was extended. However, on account of certain allegation of irregularities, the petitioner was subjected to enquiry and an adverse report has been submitted by the Block Development Officer, Maner. Request has also been made to institute an F.I.R. against the petitioner on being found instrumental to the irregularities in the *Indira Awas Yojana* in Singhara Gram Panchayat, block Maner, Patna. Based on such enquiry report, the District Magistrate, Patna vide its letter contained in Memo No. 4-75/2018, 149 dated 06.02.2019 dispensed with the services of the petitioner, but without any opportunity to file show-cause.



4. Learned Advocate for the petitioner taking this Court through the impugned order has submitted that it shall cast stigma upon the petitioner and, as such, the petitioner must be afforded with an opportunity of hearing after giving a proper show-cause notice, but the same has not been done and on this score alone the impugned order is said to be bad, illegal and unsustainable.

5. On the other hand, learned Advocate for the State submitted that the Memorandum of appeal, the copy of which is marked as Annexure-6, clearly suggests that the petitioner in sum and substance admitted the allegation that because of some departmental pressure and the pressure of public representative in hot haste manner, the name of the beneficiaries have been registered without proper verification, however, he denied the allegation of procuring any undue benefit. It is further contended that the present writ petition is wholly misconceived and not proper for the simple reason that the appeal preferred by the petitioner against the order impugned had already been rejected on 10.12.2019 by the Additional Secretary, Rural Development Department, however the order passed by the Appellate authority has not been questioned; in such circumstances, no relief could be granted to the petitioner.



6. Having heard the learned Advocate for the respective parties and considering the letter of employment, it would be apparent that the agreement for employment to the post of **Gramin Awas Sahayak** was only for one year and he could have been removed at any time, if the service is found unsatisfactory. The irregularities alleged against the petitioner surfaced in the enquiry report was fully discussed in the impugned order passed by the District Magistrate, Patna, as contained in Memo No. 149 dated 06.02.2019. The date was also fixed for hearing in the matter, but the petitioner did not appear, hence taking note of this fact the District Magistrate, Patna has only returned the finding that no interest is being taken on the part of the petitioner in execution of the work, which led to termination of the contractual appointment.

7. Even if for the sake of argument, we accept the contention of the petitioner that before issuance of the impugned order of termination of the contractual employment of the petitioner, he was not served with show-cause notice or afforded opportunity of hearing, the same does not persuade this Court for the simple reason, the petitioner preferred appeal against the order passed by the District Magistrate, Patna and it has already been dismissed long back on 10.12.2019, but never been



questioned.

8. In such circumstances, this Court is left with no option but to dismiss the present writ petition. Accordingly, the present writ petition stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.06.2025
Transmission Date	NA

