

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.581 of 2022

In
Civil Writ Jurisdiction Case No.9360 of 2019

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Rajeev Nayan S/o Panchu Jamadar, R/o Village-16-Bagula, P.S.-Mohanpur,
District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The Deputy Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Deputy Development Commissioner, Rohtas, Sasaram.
5. The Director DRDA-cum-Member Secretary, District Water and Awachhta Committee, Rohtas, Sasaram.
6. Senior Deputy Collector-cum-Nodal Officer, Akodhigola, Rohtas (Sasaram).
7. The Block Development Officer, Akodhi Gola, District-Rohtas
8. Sri Kundan Kumar, S/o Ramchandra Prasad, R/o Mohalla-Rajiv Nagar, Ward No. 7, P.S. Patliputra, District-Patna at present the Block Development Officer, Akodhi Gola, District-Rohtas
9. The Program Officer, Manrega Block Akodhi Gola, District-Rohtas

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashutosh Tripathy, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG4)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-06-2025

The appellant has assailed the order of the learned
Single Judge dated 06.09.2022 passed in CWJC No. 9360 of
2019.

2. Brief facts of the case are that the appellant after



due participation in the process of selection was appointed on contract basis to the post of Panchayat Technical Assistant. He was appointed on 26.05.2007 by the Deputy Secretary of the department. On certain allegation that he was disobeying the order of his superior, show cause notice was issued on 10.10.2018. He had submitted reply on 15.10.2018 and it was not satisfied by the concerned authority and he has proceeded to terminate the services of the appellant on 28.01.2019 and it is the subject matter of CWJC No. 9360 of 2019. The learned Single Judge without examining the tenor of the order of appointment read with the fact that the appellant has served for about more than 12 years, he has been abruptly dismissed/terminated.

3. We have perused the show cause notice, reply and order of termination. There is total non-application of mind on behalf of the concerned authority in not considering reply/explanation to show cause notice. That apart the appointing authority being the official of the Secretariat whereas the impugned action has been taken by the Deputy Development Commissioner (DDC), it is to be noticed that the termination is not simplicitor on the other hand it is stigmatic for the reason that the appellant is alleged to have disobeyed the order of his



superior. These material information have not been taken note of and appreciated by the learned Single Judge. To that extent, the order of the learned Single Judge is erroneous on factual aspects and so also the competent authority to terminate the services of the appellant is by the office of the Secretariat who have appointed the appellant on contract basis to the post of Panchayat Technical Assistant for a period of one year and it has been extended from time to time and he has served for about more than 12 years.

4. Taking note of these facts and circumstances, the learned Single Judge has committed error and the order dated 06.9.2022 passed in CWJC No. 9360 of 2019, stands set aside and so also the order of termination dated 28.01.2019.

5. The concerned respondent is hereby directed to reinstate the petitioner-appellant within a period of two months from the date of receipt/production of a copy of this order. However, the appellant is not entitled to arrears of pay for the reason that he was appointed on contract basis. At the best, appellant is entitled to 50 per cent back wages from the date of termination till reinstatement. The concerned authority is hereby directed to calculate 50 per cent of the back wages and disburse the same within a period of three months from the date of



receipt of this order.

6. LPA stands allowed.

7. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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