

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7940 of 2021

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Pankaj Kumar Son of Sri Ram Narayan Roy Resident of village- Ward no. 11,
Sikandarpur, P.O.- Rajaura, P.s.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development Government of Bihar, Patna
2. The District Magistrate, Begusarai
3. The D.D.C. Begusarai
4. The Block Development Officer, Block Barauni, District- Begusarai
5. The Sub Divisional Officer, Lok Sikayat Niwaran Office, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Respondent/s : Mr. Sudhanshu Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-07-2026

Heard Mr. Shakil Ahmad Khan, learned Advocate
for the petitioner and Mr. Sudhanshu Bhushan, learned
Advocate for the State.

2. By the present writ petition, the petitioner
seeking quashing of the order dated 12.02.2018 passed by the
learned Deputy Development Commissioner, Begusarai under
Memo No. 122, as also the order dated 05.08.2020 contained in
Memo No. 277773 dated 07.08.2020 passed by the learned
Principal Secretary, Department of Rural Development,
Government of Bihar, whereby the order passed by the Deputy
Development Commissioner terminating the services of the
petitioner from the post of Awas Sahayak of the Gram



Panchayat Bathauli Block Barauni District Begusarai stood affirmed.

3. Learned Advocate for the petitioner while assailing the impugned order has submitted that the entire action taken against the petitioner with respect to dispensing his services from the post of Awas Sahayak is based upon an order passed by Sub Divisional Grievance Redressal Officer, Begusarai in a complaint case, the copy of which is placed on record as Annexure 1 to the writ petition. Adverting thereto, it is submitted that noticing certain irregularities in Pradhan Mantri Awas Yojana, 2016-17, the Public Grievance Redressal Committee has directed to take action against all the erring officials and in pursuant thereto, the Deputy Development Commissioner has canceled the petitioner's appointment to the post of Gramin Awas Sahayak.

4. It is the specific contention of the petitioner that before passing the impugned order, the petitioner has not been given any show cause notice or opportunity of hearing, which fact is also evident from the impugned order, as contained in Memo No. 122 dated 12.02.2018. It is further contended that similar mistake has also been committed by the appellate authority, who failed to consider that the order passed by the



Deputy Development Commissioner suffers from the vice of arbitrariness, apart from principles of natural justice.

5. Learned Advocate for the petitioner further contended that identical issue has come up for consideration in CWJC No. 10439 of 2020, where the learned Division Bench of this Court while setting aside the identical order passed by the Deputy Development Commissioner, Madhubani is pleased to observe as follows:

“The only point raised by the learned Sr. counsel appearing for the petitioner is that under the guidelines issued by the Government, the service conditions and the manner in which contractual employment can be cancelled has been outlined in Annexure-4 and Clause -7 deals with cancellation of contractual appointment by the District Magistrate, if the services of the employee is not found to be satisfactory and after affording opportunity of hearing to the employee.

Clause “7” reads as under:-

(7) अनुबंध रद्द किया जाना : ऐसे दृष्टांत आ सकते हैं जहाँ कर्तव्यहीनता एवं अन्य न्यायसंगत आधार पर ग्रामीण आवास कर्मियों के अनुबंध को रद्द करने की आवश्यकता महसूस हो। इस संबंध में प्रखण्ड विकास पदाधिकारी की अनुशंसा तथा उप विकास आयुक्त की समीक्षोपरान्त प्राप्त आरोप पत्र के आधार पर आरोपित पक्ष की सुनवाई के पश्चात जिलाधिकारी के द्वारा युक्तियुक्त आदेश पारित किया जायेगा। इस तरह से पारित अनुबंध रद्द आदेश के विरुद्ध अपील विभागीय सचिव / प्रधान सचिव के समक्ष अनुबंध रद्द आदेश पारित किये जाने की तिथि के तीन माह के अंदर किया जा सकेगा।

As per prescribed procedure, on the recommendation of BDO and review made by the Deputy Development Commissioner of the charges levelled against the employee, speaking and reasoned order is to be passed by the District Magistrate, after complying the principles of natural



justice and giving reasonable opportunity to the delinquent employee to defend himself against the charges levelled against him. However, in the present case the order states that the decision to cancel the contractual employment has been taken by the District Magistrate and same has been communicated to the petitioner by impugned order and appeal filed against said order has been dismissed by the Appellate Authority which is not as per the guidelines issued by the State Government.

After hearing learned counsel for the petitioner and learned counsel for the State, the impugned order are not sustainable in the eye of law and accordingly, the order dated 31.01.2019 (Annexure-7) passed by the DDC, Madhubani as well as order dated 10.01.2020 (Annexure-9) passed by Appellate Authority are set aside.

However, setting aside of the impugned orders will not preclude the competent authority to pass a fresh order on the basis of memo of charge dated 20.08.2018 as contained in Annexure-6 in terms of the guidelines issued by the Government as contained in Annexure-4.

The writ petition is allowed to the extent as indicated above.”

6. Reliance has also been placed on a Co-ordinate Bench decision of this Court in CWJC No. 10182 of 2020 as well as CWJC No. 7056 of 2020, wherein the Court while considering the Division Bench decision as well as the fact that petitioner has been deprived from the opportunity of hearing and the order suffers from vice of arbitrariness apart from principles of natural justice, have set aside the impugned orders and directed to reconsider the case of the petitioner and in one of the matter, the petitioner has been directed to reinstate with



consequential benefits.

7. On the other hand, learned Advocate for the State submitted that the petitioner was found indulged in irregularities committed in Pradhan Mantri Awas Yojana, which led to his termination, based upon the report mentioned in the impugned order. Since the facts of irregularities are writ large and the same was also admitted by the Public Grievance Redressal Authority, thus no interference is required.

8. Having considered the submissions advanced by learned Advocate for the respective parties and upon perusal of the decision passed by the learned Divisional Bench of this Court in CWJC No. 10439 of 2020, besides the Bench decision of this Court in CWJC No. 7056 of 2020 as well as 10182 of 2020, this Court is of the considered opinion that the impugned order has been passed by an authority having no jurisdiction, besides in complete violation of the principles of natural justice and, as such, has no hesitation to set aside both the impugned orders dated 12.02.2018 passed by the Deputy Development Commissioner, as also the order dated 05.08.2020 passed by the Principal Secretary, Department of Rural Development and relegate the matter to the District Magistrate, who is the competent authority under the guidelines, applicable in case of



the petitioner.

9. The District Magistrate, Begusarai shall consider the claim of the petitioner afresh in the light of the decisions referred hereinabove and pass appropriate order, in accordance with law, preferably within a period of eight weeks from the date of receipt/ production of a copy of this order.

10. Suffice it to observe that if the case of the petitioner finds merit and identical to those of the writ petitioners referred hereinabove, identical benefits must be accorded to the petitioner.

11. The writ petition stands allowed to the extent indicated hereinabove.

(Harish Kumar, J)

siddharth/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

