

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6146 of 2024

Sanjay Kumar Son of - Late Ram Snehi Singh, resident of village Rampur
Police Station Runni Saidpur and District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Secretary, Rural Development Department, Government of Bihar, Patna.
4. The District Magistrate, District- Muzaffarpur.
5. The District Magistrate-Cum- Officer-in-charge of District Rural Development Authority, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Avinash Chandra, Adv.
For the Respondent/s : Mr.Standing Counsel 28

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
present writ petition has been filed with the following reliefs:-

*i. For setting aside the order dated
16.01.2024 passed by the Secretary, Rural
Development Department, Government of Bihar
and to reinstate the petitioner on the post of
Program Officer.*

3. Learned counsel for the petitioner submits that the
reason assigned in the order dated 16.01.2024 passed by the
Appellate Authority (Annexure-P/10) is that in the year 2018,
the contract of the petitioner was cancelled and subsequently, at
appellate level, it was decided to re-appoint by granting one
opportunity and similar allegation has been made against him



and therefore, the Secretary reached of the opinion that there is no progress in his attitude and hence, due to this reason, his contract was cancelled.

4. Counsel further submits that apart from earlier order vide Annexure-P/6 of the writ petition in which the explanation made by the petitioner was duly accepted and deficiency has not been found in his work, which is apparent from order dated 08.05.2020 passed by the Principal Secretary, Rural Development Department, Government of Bihar.

5. Counsel further submits that it is the specific stand of the petitioner in Paragraph 23 of the writ petition that the main allegation levelled upon the petitioner is that of his performance, but it is worthy to mention that he is not the lowest in the performance list issued by the Department rather there are so many other Blocks in the District of Muzaffarpur where the work progress is lower than the petitioner, but the Officials of the Department choose only to the petitioner for reason best known to themselves. He further submits that in the counter-affidavit, there is no specific answer of paragraph 23 and only evasive reply has come.

6. Upon specific query of this Court to the Respondent Authorities that when the petitioner has specifically pleaded a particular point in paragraph 23 then why evasive reply has come.



7. In response thereof, learned counsel for the State submits that a short adjournment may be granted in this matter.

8. In the light of the submissions made, this Court is not inclined to grant a short adjournment because evasive reply under law means acceptance. It is due to this reason, this Court hereby directs the Additional Chief Secretary, Rural Development Department, Government of Bihar, Patna (Respondent No.2) to take decision with regard to the petitioner for continuation of his contract in case, any person found in the merit list below him, has continued. As such, the order dated 16.01.2024 passed by the Secretary, Rural Development Department, Government of Bihar (Annexure-10) is hereby set aside and Respondent No.2 shall take decision afresh in accordance with the observation made within 90 days from the date of production of the order.

9. With the aforesaid directions and observations, the present writ petition stands allowed.

(Dr. Anshuman, J)

Prakashmani/-

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