

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6391 of 2024

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Shashi Shaker Singh Son of Umesh Prasad Singh, Resident of Mohallah-Dighi Kala Near Umesh Cinema Road, P.S.-Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chhapra.
4. The Deputy Development Commissioner, Saran at Chhapra.
5. The Executive Engineer, Regional Engineering Organization (Kshatriya Abhiyantran Sanghatan) Pramandal- 2, Saran at Chhapra.
6. The Block Development Officer, Sonepur, Saran at Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Maurya Vijay Chandra, Adv. Ms. Preety Ranjan, Adv.
For the Respondent/s	:	Mr. Government Pleader 26

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-07-2026

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

*“I. For issuance of, order/orders,
direction/directions, writ/writs particularly
in the nature of writ of certiorari for
quashing of Memo No.- 161353 dated
30.08.2013 passed by Secretary, Rural*



Development Department, Government of Bihar, Patna whereby and where under appeal filed by the petitioner was rejected and order passed by District Establishment Committee has been upheld.

II. For issuance of order/orders, direction/directions, writ/writs particularly in the nature of writ of certiorari for quashing of Memo No.- 551 dated 30.03.2013 passed by Deputy Development Commissioner Saran at Chhapra whereby and where under contract of petitioner on the post of Programme Officer, Baniyapar (the then Programme Officer, Sonapur) has been terminated on the ground of irregularities without appreciating the material available on record.

III. For issuance of order/orders, direction/directions, writ/writs particularly in the nature of mandamus for direction upon respondent authorities to re-instate the petitioner on the post of Programme Officer along with all consequential benefits.

IV. For any other relief(s) for which the petitioner is entitled for.”

3. Learned counsel for the petitioner submits that admittedly, the original order has been passed by the Deputy



Development Commissioner, Saran at Chapra, contained in Memo No. 551 dated 30.03.2013 (annexed as Annexure- 10), against which, the petitioner has preferred appeal before the Appellate Authority i.e. Secretary, Rural Development Department, Government of Bihar, Patna and thereafter, the appellate order has been passed on 30.08.2013 contained in Memo No. 161353 (annexed as Annexure- 14). He submits that thereafter, the petitioner has moved before this Hon'ble Court in C.W.J.C. No. 14110 of 2018 which was disposed off *vide* order dated 17.10.2022 with liberty to pursue his pending review petition. Counsel further submits that the petitioner filed a review petition on 07.11.2022 before the Secretary, Rural Development Department, Government of Bihar, Patna, against the order dated 30.08.2013 contained in Memo No. 161353, but the same was rejected by the Secretary, Rural Development Department *vide* Letter No. 1687772 dated 11.04.2023 issued by the Officer on Special Duty, Rural Development Department, Government of Bihar. Thereafter, the petitioner has filed the present writ petition. He has raised jurisdictional question before this Court that the final order has been passed by the D.D.C, charge has also been framed by the D.D.C. Counsel submits that as per the letter dated 22.09.2009 issued by the



Principal Secretary to all the D.Ms that explanation shall be demanded from the District Magistrate cum District Program Coordinator only. But, here in the present case, the said explanation has been demanded from the D.D.C and therefore, the orders passed by the Original Authority and Appellate Authority, both are bad in law and be set aside.

4. Learned counsel for the State, on the other hand, submits that the original order and the appellate order, both have been passed in the year 2013 and the petitioner has challenged those orders after a gap of about 11 years before this Hon'ble Court which is not permissible. Counsel also submits that in para 10 of the counter affidavit, the explanation has been made that earlier the decision was against the petitioner by the committee who is Appointing Authority for him and following the decision of the committee, and thereafter, the Collector has directed the D.D.C. to issue show cause and upon enquiry, the decision has been taken at the level of the District Magistrate and only communication has been made by the D.D.C. Counsel, therefore submits that there is absolutely no need of any interference in the orders passed by the Original Authority and Appellate Authority.

5. In response thereof, learned counsel for the



petitioner submits that in para 22 of the writ petition, he has taken a categorical stand which states as follows:-

“22. That subsequently, by a letter dated - 22.09.2009, the Rural Development Department replaced its earlier policy decisions/guidelines dated 25.05.2009 by a new procedure. It was now provided that cancellation of contract of service was to be done only after giving due opportunity to delinquent. It was specifically provided that the show case notice was to be issued exclusively by the district magistrate cum district program coordinator and the reply to the allegations were also to be considered by District Magistrate cum District Program Coordinator alone. Under the new procedure laid down by the government, it was the District Magistrate cum District Program Coordinator alone and none other, who was vested or delegated with the power to issue the so cause and final orders cancelling any contract of service of a Program Officer. An appeal, against the order of District Magistrate cum District Program Coordinator has been provided to Principal Secretary. From the aforesaid, it is evident that under the scheme of things covered under the new circular dated-



22.09.2009, no role had been assigned to Deputy Development Commissioner who had no jurisdiction either to issue any show cause or to consider the reply to allegations or even to pass any final order with respect to cancellation of contract of service of a Program Officer. It was the District Magistrate cum District Program Coordinator alone who was the competent authority so far as Program Officer was concerned.”

5.1. Learned counsel for the petitioner further submits that the reply of para 22 of the writ petition has been made in para 33 of the counter affidavit by submitting that it be treated as matter of records. Neither acceptance nor denial has been made and only it has been stated that it is matter of records, which is basically an evasive reply.

6. After perusal of the review order dated 11.04.2023 contained in Letter No. 1687772, this Court is very much surprised that the Reviewing Authority being a Quasi Judicial has not considered a single point mentioned in the review petition of the petitioner. The copy of review petition is annexed here as Annexure- 18 series in which, series of points have been discussed, but none of the points have been taken



care of by the Reviewing Authority.

7. In this view of the matter, the review order dated 11.04.2023 contained in Letter No. 1687772 (Annexure-18 series) passed by the Secretary, Rural Development Department, Government of Bihar is hereby set aside. The matter is remanded back to the Reviewing Authority to pass a fresh order being a true Quasi Judicial Officer, by considering all the points which have been raised by the petitioner in his review petition annexed as Annexure-18 series, within 90 days from the date of production of a copy of this order.

8. Accordingly, with the aforesaid observation, this writ petition stands disposed off. The I.A. No. 01 of 2024 also stands disposed off, as not pressed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	25/07/2026
Transmission Date	NA

