

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21636 of 2013

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Ashutosh Kumar Anshu Son Of Raj Nandan Prasad Resident Of Village-
Manoura, Bajitpur, P.O.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Aurangabad
3. The Director I.C.D.S., Patna
4. The Incharge, Human Resources Development Deptt. Bihar State
Electronics Development Corporation Limited, Patna, Beltron Bhawan
Shastri Nagar, Patna- 800023
5. The District Programme Officer, Aurangabad
6. The Child Development Project Officer, Goh, District- Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. Rajeshwar Singh, G.A. 10.
		Mr. Jitendra Kumar, AC to GA 10

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

- 5 09-02-2026 1. The present Writ application has been

filed by the petitioner with a prayer for quashing
the order 04.10.2012 contained in letter no. 135
issued by the Child Development Project Officer,
Goh, Aurangabad (hereinafter referred to as
“CDPO”), by which, service of the petitioner as
Data Entry Operator has been terminated, without
giving any prior notice to the petitioner.
2. The petitioner has also prayed for a



direction to the respondent authorities for ensuring the payment of arrears of salary for the period he had performed his duties and also to reinstate him in service.

3. The brief facts as culled out from the Writ petition are that pursuant to letter no. M.P. 3614 of 2011 dated 07.07.2011 issued by the Bihar State Electronics Development Corporation Limited, the petitioner was appointed as a Data Entry Operator on contractual basis on 07.07.2011. Thereafter, he gave his joining before the CDPO, Goh, Aurangabad on 01.10.2011, but he was not accepting the joining of the petitioner, for which, the petitioner made an application before the District Programme Officer, Aurangabad on 17.12.2011 for accepting his joining. The CDPO, Goh, Aurangabad vide letter dated 16.05.2012 directed the petitioner for online submission of monthly progress report for the month of April, 2012 within two days before the Directorate, ICDS, Patna. The CDPO, Goh, Aurangabad, again, vide letter dated 20.05.2012, directed for online



submission of monthly progress report for the months of February, March, April and May, 2012.

4. It is the specific contention in the Writ petition that the petitioner took every effort to and uploaded the monthly progress report on the website of the Directorate, ICDS, Patna on time, but due to technical difficulty from Aangabari Centres, 100% monthly progress report could not be uploaded. The respondent no. 4 with malafide intention has complained that 100% monthly progress report has not been uploaded by the petitioner. It is stated that the CDPO, Goh, Aurangabad without providing any opportunity to the petitioner has terminated him from service vide letter no. 135 dated 04.10.2012, and further the termination order was not supplied to the petitioner.

5. Being aggrieved by the action of the respondents, the petitioner has preferred the present Writ application challenging the order of his termination.

6. A detailed counter affidavit was filed by



the respondent nos. 2, 5 and 6 denying all the materials allegations made in the Writ petition. The contents of the counter affidavit disclose that the appointment of the petitioner as a Data Entry Operator is not at all in dispute, but the petitioner failed to sent monthly progress report of Aangabari Centres under Goh Block for the months of February, March, April and May, 2012 to the Directorate, ICDS, Patna, the then CDPO, Goh, Aurangabad vide letter no. 50 dated 20.05.2012 ordered the petitioner to send the required monthly progress report for the said months. In spite of the said order, the petitioner did not upload the details of monthly progress report till the month of September, 2012 and did not send the required aforesaid monthly progress report to the Directorate, ICDS, Patna due to which, an explanation was also called for by the Directorate, ICDS, Patna from the then CDPO, Goh, Aurangabad. Pursuant to it, the CDPO, Goh vide office memo no. 120 dated 08.09.2012, again ordered the petitioner, the Data Entry Operator to



upload the required monthly progress report but it was not done by the petitioner. Under the compelling circumstances, the required monthly progress report was uploaded by the then CDPO, Goh, Aurangabad through local Basudha Kendra which clearly showed that the petitioner was negligent in discharging his official duties, for which he was terminated from his contractual services, vide order dated 04.10.2012 and, therefore, the respondents prayed for dismissal of the Writ petition as it is devoid of merits.

7. The Learned counsel for the petitioner contended that the petitioner has preferred an appeal before the Director, ICDS, Patna against the order of his termination on 04.04.2013, which has been annexed in the writ petition as Annexure -7, which is still pending before him and, therefore, restricts his prayer to direct the respondent no 3. to pass appropriate orders on the said appeal preferred by the petitioner.

8. Heard the Learned counsel for the petitioner and the Learned counsel for the



respondents.

9. Since, the counsel for the petitioner makes a limited prayer for disposal of the appeal filed by the petitioner before the Director, ICDS, Patna, this Court without going into the merits of the case, directs respondent no. 3/ Director, ICDS, Patna to dispose of the appeal preferred by the petitioner by a reasoned and speaking order in accordance with law preferably within a period of four weeks from the date of receipt/production of a copy of this order.

10. With the aforesaid observation /direction, the Writ petition stands disposed off.

(G. Anupama Chakravarthy, J)

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