

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23673 of 2013

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Basant Kumar @ Basant Ravidas Son Of Sri Bishnukant Prasad Resident Of
Village- Parsurampur, Police Station- Kaler In The District Of Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Government Of Bihar, Patna
2. The Principal Secretary, Department Of Rural Development, Government Of Bihar, Patna
3. The District Magistrate-Cum-Collector, Arwal
4. The Director, National Employment Programme N.E.P., D.R.D.A., Arwal
5. The Sub-Divisional Magistrate, Arwal
6. The District Programme Officer, Arwal
7. The Block Development Officer, Kaler
8. Amrendra Kumar S/o Munilal Ram @ Munilal Das, Resident of Village - Teri, P.S. - Mahandiya, Distt. - Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar, Advocate
For the State	:	Mr. Bijoy Kumar Sinha, A.C. to A.A.G.-5
For Respondent No.8	:	Mr. Sachina, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 16-06-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following reliefs:

“i. For quashing the letter vide letter no.
224 dated 19.6.2013 issued under the signature of
District Programme Officer, Arwal (Respondent
No.6) by which the petitioner has been removed from
the post of Vikash Mitra of Gram Panchayat, Teri in
the district of Arwal in most illegal and arbitrary
manner.

ii. Also to direct the respondents to



allow the petitioner to work as Vikas Mitra in Gram Panchayat, Teri in the district of Arwal.

iii. Also for any other relief reliefs for which the petitioner is found to be entitled in the eye of law.”

3. Vide order dated 30.10.2025, I.A. No.2 of 2025 was allowed and Amrendra Kumar was impleaded as respondent no.8 in the writ petition. Notices were issued to him for his appearance.

FACTS OF THE CASE

4. The brief facts, which require consideration for proper adjudication of the writ petition, are that the petitioner was appointed on the post of Vikas Mitra in the Gram Panchayat, Teri, Arwal vide letter dated 26.03.2010. He gave his joining in the Gram Panchayat and started working, to the satisfaction of the respondent authorities. While the petitioner was working as Vikas Mitra, a complaint was made by one Birja Singh against the petitioner and the Panchayat Secretary of the said Gram Panchayat, with regard to demand of illegal gratification to the tune of Rs.4000/- for sanctioning Indira Awas in favour of the complainant. An explanation was sought for from the petitioner vide letter contained in Memo No.189 dated 07.02.2013, issued under the signature of the Sub-Divisional Officer, Arwal. The petitioner filed his reply to the said show-cause notice, whereby



he denied the allegation levelled against him. It is further case of the petitioner that the complainant, namely, Birja Singh filed an application along with an affidavit on 03.04.2013, denying the fact that any illegal gratification was asked for by the petitioner. It is the case of the petitioner that without giving any opportunity to the petitioner and without considering the explanation submitted by the petitioner, the services of the petitioner has been dispensed with.

SUBMISSIONS ON BEHALF OF THE PETITIONER

5. The learned counsel for the petitioner submits that the petitioner was neither served with the copy of the complaint submitted by Birja Singh nor the enquiry report submitted by the Director, N.E.P., D.R.D.A., Arwal, who is said to have enquired the matter and based on the said enquiry report, services of the petitioner has been dispensed with. He further submits that the petitioner was never served with the copy of the report of Block Development Officer, Kaler and prior to issuance of the order of termination of the petitioner, no show-cause was issued to him. He submits that merely on the opinion of the Sub-Divisional Officer, Arwal and the Director, N.E.P., D.R.D.A., Arwal, the action has been taken against him. He further submits that the complaint filed by the complainant, Birja Singh was an incorrect



complaint, since later on the said complainant filed an affidavit to the effect that no illegal gratification was asked for by the petitioner. He submits that even the so called concurrence of the District Magistrate has not been brought on record. He further submits that as per the circular of the State Government issued in the year 2019, the contractual employee has to serve till he attains the age of 60 years and therefore the petitioner is entitled for his re-instatement.

SUBMISSIONS ON BEHALF OF THE STATE

6. *Per contra*, the learned counsel appearing on behalf of the State submits that a complaint was filed against the petitioner and based on the said complaint, an enquiry was conducted, whereby the Director, National Employment Programme, D.R.D.A., Arwal came to the conclusion that the petitioner along with other, was involved in demanding illegal gratification to the tune of Rs.4000/- in lieu of sanctioning the amount for construction of Indira Awas in favour of the complainant, since the complainant was entitled for the same. He submits that as per the guidelines related to Vikas Mitra, the selection of Vikas Mitra is for a period of eleven months and thereafter decision on his continuance has to be taken at the level of the government. He further submits that the Vikas Mitra is not



treated to be the government servant and at any time if there is a complaint related to their character or work is made, on the recommendation of the Sub-Divisional Officer and after obtaining concurrence of the District Magistrate, his services can be dispensed with by the Project Director/Project Officer. He submits that there was a complaint with regard to demand of illegal gratification against the petitioner and the Panchayat Secretary of Gram Panchayat Teri, for which an enquiry was conducted. During course of enquiry, it was found that the allegation levelled against the petitioner is correct and thereafter the concerned Sub-Divisional Officer of Arwal recommended for removal of the petitioner from the post of Vikas Mitra. The recommendation was sent to the District Magistrate, Arwal and after obtaining approval from the District Magistrate, Arwal, the District Programme Officer, Arwal removed the petitioner from the post of Vikas Mitra of the concerned Panchayat in terms of the provisions contained in Clause VI of the selection guidelines of Vikas Mitra. He submits that there is no infirmity in the order passed by the competent authority and the contention of the petitioner to the effect that later on the said complainant retracted from his complaint is not to be considered, since the petitioner in collusion with the complainant has obtained the said document



later on. The complaint was made and upon enquiry, the complainant submitted enquiry authority that illegal gratification was asked for by the petitioner along with the Panchayat Secretary and, therefore the enquiry officer/authority came to the conclusion that the petitioner has demanded illegal gratification. Based on the said enquiry, recommendation was made to the District Magistrate for dispensing with the services of the petitioner and after obtaining the permission/consent of the District Magistrate, the services of the petitioner has been dispensed with.

SUBMISSIONS ON BEHALF OF RESPONDENT NO.8

7. The learned counsel appearing on behalf of respondent no.8 submits that after removal of the petitioner in 2013, an advertisement was issued in 2016 for selection of Vikas Mitra for the concerned Panchayat. The respondent no.8 being eligible participated in the said selection process and after due selection process, he has been appointed as Vikas Mitra in 2016 and since then he is regularly discharging his duties as Vikas Mitra in the concerned Panchayat. He submits that respondent no.8 is continuously working for the last ten years on the said post and now if an adverse order will be passed against the respondent no.8 that will amount to unsettling a settled thing



which has legally been settled.

CONCLUSION

8. Having considered the rival submissions and after going through the records, it appears that the petitioner was appointed as a Vikas Mitra in 2010. A complaint was made against the petitioner before the competent authority. The said allegation/complaint was enquired into by the Director, National Employment Programme, D.R.D.A., Arwal, who came to the conclusion that the allegation levelled against the petitioner with regard to demand of illegal gratification is correct. On the basis of the said enquiry report, the Sub-Divisional Officer, Arwal recommended for removal of the petitioner as Vikas Mitra, before the District Magistrate in terms of Clause VI of the selection guidelines for Vikas Mitra. After obtaining permission from the District Magistrate, the petitioner has been terminated from service as Vikas Mitra. Subsequently, a selection process was again initiated and based on the same, the respondent no.8 has duly been selected on the post of Vikas Mitra in 2016 and since then he is continuously working and discharging his duties as Vikas Mitra, without any complaint from any quarter.

9. This Court is of the considered opinion that the removal of the petitioner on the basis of the complaint made



against him was after following the guidelines issued by the selection guide for appointment of Vikas Mitra and in terms of Clause VI thereof, the impugned order of dismissal was passed and there is no infirmity in the same. Further, after duly being appointed as Vikas Mitra in 2016, the respondent no.8 is continuously discharging his duties for the last ten years and now at this belated stage, any adverse order against him will result in his termination which will cause hardship to him, since he was duly appointed, after going through the selection process. Any order in favour of the petitioner, who was removed after following the process prescribed in the selection guide will be unsettling the settled thing which has been settled in terms of law.

10. Accordingly, this Court does not find any merit in the writ petition and the same is dismissed.

11. Pending application(s), if any, shall also stand disposed of.

(Ritesh Kumar, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.06.2026
Transmission Date	NA

