

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8158 of 2025

Navnit Kumar S/o Late Krishna Mohan Prasad, R/o village- Line Par-
Mirzapur, Gali No. - 3, P.O. and P.S. - Nawada, District- Nawada- 805110.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Commissioner, Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA)-cum-Chief Executive Officer, Bihar Rural Development Society, Bihar, Patna.
4. The District Rural Development Authority, Jehanabad.
5. The District Magistrate, Jehanabad.
6. The Deputy Development Commissioner (D.D.C.), D.R.D.A., Jehanabad.
7. The Programme Officer, MGNREGA, Kako, Jehanabad.
8. Sudhir Kumar, Son of Late Raja Ram Singh, Aged about - not known, Resident of - village- Ramdani, Circle- Kako District- Jehanabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Pandey, Advocate
For the Respondent/s : Mr. Government Pleader (19)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 20-04-2026

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 an order (s) / direction
(s) or writ(s) in the nature of writ of
certiorari for quashing the order dated
27.10.2023 contained in memo no 2242797
dated 03.11.2023 passed in Revision Appeal
arising out of departmental letter No-*



2007870 dated 21.08.2023 whereby and whereunder the Revision appeal of the petitioner has been rejected by the Secretary, Department of Rural Development, Bihar, Patna and also to quash/set aside the order arising out of Panchayat Rozgar Service Appeal Case No. 66/D.M./2022 dated 28.03.2023 passed by learned District Magistrate, Jehanabad whereunder the Learned District magistrate rejected the said Panchayat Rozgar Service Appeal and also to set aside/quash the purported order passed by the Deputy Development Commissioner, Jehanabad vide his order contained in letter no. 1863 dated 10.10.2022 whereby and whereunder the D.D.C., Jehanabad cancelled the contract of the petitioner, Panchayat Rojgar Sevak (ID No. 113959), Gram Panchayat Pinjora and his services are terminated. And/or

II. For issuance of further order(s) / direction(s) or writ(s) in the nature of Mandamus directing the Respondents to reinstate the petitioner in the service of Panchayat Rojgar Sevak without any further delay with all consequential benefits. And/or

III. For necessary direction to the respondents authorities to grant all



consequential benefits to the Petitioner, such as the salary for the period the petitioner remained terminated from service and the benefit of increment for which the petitioner became entitled during the period from 10.10.2022 till date.

IV. A direction be issued upon the respondent authorities, each one of them, their servants and/or subordinates and/or agents to forthwith produce and/or caused to be produced the entire records relating to the Petitioner's case and on such production being made, render conscionable justice upon perusing the same; And/or

V. For issuance of any further order (s) / direction (s) or writ(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case."

3. Learned counsel for the petitioner submits that the petitioner was appointed as Panchayat Rozgar Sevak *vide* order contained in Memo No. 675 dated 03.04.2008 on contract basis and he has submitted his joining at Banwariya Panchayat, Block- Narkatiyaganj, District- West Champaran. Subsequently, the petitioner was transferred from West Champaran to Jehanabad. The service record of the petitioner was satisfactory



and he was sincerely discharging his duty with full devotion and dedication. Counsel submits that one politically motivated person namely, Sudhir Kumar (Respondent no.8) has filed the complaint against the petitioner that he is a visually impaired person and Rs. 2,940/- has been credited in his account in lieu of working under MGNREGA Scheme. He further submits that due to dirty village politics, several complaints were filed against the petitioner. One of the complaint case made by respondent no.8 that he is a visually impaired person and Rs. 2,940/- has been credited in his account in lieu of work under MGNREGA Scheme. He further complained that after the money was credited in his account, contractor came to his house and demanded the said money and told that the money for the drain digging work done under MGNREGA Scheme has been sent to his account. When he refused to return the money, he was badly abused. Thereafter, he spoke to Panchayat Rozgar Sevak (the petitioner) and further alleged to have been admitted his fault and asked him to keep the money. Counsel further submits that again on 11.07.2022, the complainant respondent again made a complaint to the District Magistrate and in lieu thereof, enquiry was set up handed over to the respondent no. 6 (D.D.C.). Upon enquiry, the petitioner was found guilty and



subsequently, the Appointing Authority has passed order. The matter was travelled up to appeal and then revision, but the order of punishment has been affirmed.

4. Learned counsel for the petitioner further submits that the order was made to the petitioner to make payment of Rs. 2,940/- to the complainant which he has paid. But, even thereafter, the Disciplinary Authority, the Appellate Authority and the Revisional Authority, all have decided the case against the petitioner and his contract was terminated. Counsel submits that Annexure-P/13 is the Letter No. 196 dated 25.03.2022 issued by the Rural Development Department, Govt. of Bihar for Bihar Rural Development Society. The procedure for taking disciplinary action against the BRDS employee and officers has been described in clause 3. Counsel submits that action has been taken in gross violation. He also submits that the punishment prescribed under the said clause has not been imposed, rather, a non-jurisdictional order has been passed which ought to be set aside and the punishment only imposing Rs. 1,000/- cost or filing FIR can be imposed, but termination cannot be made. Therefore, he submits that the order has been passed beyond jurisdiction. Counsel also submits that according to the procedure/rule, whatever be the show cause he has



submitted, the concerned authority neither at the level of Original Authority nor at the level of Appellate Authority and nor at the level of Revisional Authority have considered the representation filed by the petitioner. Counsel, therefore, submits that all the three orders impugned are bad in law and be set aside. He further submits that neither any Enquiry Officer was appointed nor Presenting Officer was appointed nor any evidence taken place on the charge and the petitioner was punished.

5. Learned counsel for the State, on the other hand, submits that admittedly, the petitioner is a contractual employee and his term of contract is already mentioned in the appointment letter. Though, certain protection has been given which is mentioned in Annexure-P/13 i.e. Letter No. 196 dated 25.03.2022. Counsel further submits that whatever be the action taken against the petitioner has been taken completely in accordance with law. He submits that against the petitioner, there were two allegations. First is the allegation of money and second allegation is that he has taken a work for which, actually no work was done. But only on paper, the money has been taken.

6. Upon perusal of the record, it transpires to this



Court that the petitioner is a contractual employee and for taking disciplinary action against the contractual employee, Annexure-P/13 i.e. Letter No. 196 dated 25.03.2022 has been annexed. An extract of the said letter is scanned below:-

Annexure - P/13
(100)

बिहार रूरल डेवलपमेंट सोसाइटी
बिहार सरकार
ग्रामीण विकास विभाग

पत्रांक 196
संविदा-BRDS/Hk/17/2020

पटना, दिनांक 25/03/2022

प्रेषक,

सी०पी० खण्डूजा
आयुक्त, मनरेगा-सह-मुख्य कार्यपालक पदाधिकारी,
बी०आर०डी० एस०, पटना।

सेवा में,

सभी जिला पदाधिकारी-सह-जिला कार्यक्रम समन्वयक,
सभी उप विकास आयुक्त-सह-अपर जिला कार्यक्रम समन्वयक,
बिहार।

विषय:- BRDS अन्तर्गत कार्यरत कर्मियों / पदाधिकारियों के अनुशासनात्मक कार्रवाई के सम्बन्ध में।

महाशय,

बिहार रूरल डेवलपमेंट सोसाइटी (BRDS) के 13वीं कार्यकारिणी समिति की बैठक में लिये गये निर्णय के आलोक में बी०आर०डी०एस० अन्तर्गत संविदा पर कार्यरत कर्मियों / पदाधिकारियों के विरुद्ध अनुशासनात्मक कार्रवाई से संबंधित संशोधित प्रावधान निम्न प्रकार होंगे:-

1. अनुबंध पर नियोजित BRDS कर्मियों के विरुद्ध शास्ती (दण्ड) का प्रावधान:-

अनुबंध पर नियोजित BRDS कर्मियों के विरुद्ध दोष की प्रकृति एवं गंभीरता के अनुसार निम्नलिखित रूप से शास्ती (दण्ड) का अधिरोपण किया जा सकता है -

- (i) लिखित चेतावनी।
- (ii) बिना संचयी प्रभाव के तीन वार्षिक वृद्धियों तक रोक।
- (iii) संचयी प्रभाव के साथ अधिकतम तीन वार्षिक मानदेय वृद्धियों पर रोक।
- (iv) मूल मानदेय में कटौती - 5% से 25% तक की 1 से 5 साल की अवधि के लिए कटौती।
- (v) Performance Incentive में कटौती
- (vi) अनुबंध रद्द / समाप्त करना।
- (vii) गबन की स्थिति में अनुबंध रद्द/समाप्त करने के साथ गबन की राशि की वसूली एवं अन्य वैधानिक कार्रवाई।

2. अनुशासनात्मक प्राधिकार :-

अनुशासनिक, अपीलीय एवं पुनरीक्षण प्राधिकार इस प्रकार है :

कर्मियों / पदाधिकारी का स्तर	अनुशासनिक प्राधिकार (Disciplinary Authority)	अपीलीय प्राधिकार (Appellate Authority)	पुनरीक्षण प्राधिकार (Reviewing Authority)
प्रखंड और पंचायत स्तर के कर्मियों (कार्यक्रम पदाधिकारी को छोड़कर)	उप विकास आयुक्त - सह - अपर जिला कार्यक्रम समन्वयक	जिला पदाधिकारी - सह - जिला कार्यक्रम समन्वयक	प्रधान सचिव, ग्रामीण विकास विभाग



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जिला स्तरीय समिति / पदाधिकारी (जिला कार्यक्रम प्रदाधिकारी को छोड़कर)	सह - जिला कार्यक्रम समन्वयक	विकास विभाग	-----
जिला कार्यक्रम पदाधिकारी एवं राज्य स्तरीय सभी कर्मियों / पदाधिकारी	आयुक्त, मनरेगा	प्रधान सचिव, ग्रामीण विकास विभाग	-----

3. अनुशासनात्मक कार्यवाही की प्रक्रिया :-

वर्तमान में अनुबंध पर नियोजित BRDS कर्मियों / पदाधिकारियों के लिए अनुशासनात्मक कार्यवाही की प्रक्रिया स्पष्टीकरण के पश्चात् संतुष्ट नहीं होने पर अनुबंध रद्द करने का प्रावधान है। बिंदु-1 अनुसार विभिन्न प्रकार की दंड के निर्धारण के क्रम में अनुशासनात्मक कार्यवाही की प्रक्रिया निम्न प्रकार की जानी है :-

- (क) अनुशासनिक प्राधिकार को किसी प्रकार की शिकायत मिलने अथवा समीक्षा में किसी पदाधिकारी / कर्मियों के सम्बन्ध में अनुशासनहीनता / आचरण नियमावली के उल्लंघन अथवा संतोषजनक प्रदर्शन नहीं करने की स्थिति में संबंधित पदाधिकारी / कर्मियों से स्पष्टीकरण की मांग की जायेगी।
- (ख) स्पष्टीकरण प्राप्त होने पर समीक्षोपरान्त यदि यह पाया जाता है कि कर्मियों/पदाधिकारी का दोष नहीं है तो उक्त कर्मियों/पदाधिकारी के विरुद्ध किसी प्रकार की अनुशासनात्मक कार्यवाही नहीं की जायेगी।
- (ग) निर्धारित अवधि में स्पष्टीकरण प्राप्त नहीं होने पर एकतरफा कार्यवाही की जायेगी।
- (घ) स्पष्टीकरण असंतोषजनक पाये जाने पर नैसर्गिक न्याय के सिद्धांत के अनुसार सुनवाई का अवसर प्रदान करते हुये अग्रेतर कार्यवाही की जायेगी। सुनवाई के उपरान्त दोष की प्रकृति एवं गंभीरता के आधार पर शास्ती (दण्ड) का निर्धारण किया जायेगा।
- (ङ) अनुशासनिक प्राधिकार द्वारा दंड के आदेश के 30 दिनों के अंदर कर्मियों/पदाधिकारी द्वारा अपीलीय प्राधिकार के समक्ष अपीलीय आवेदन देंगे।
- (च) अपीलीय प्राधिकार द्वारा अनुशासनिक प्राधिकार से मंतव्य / संबंधित अभिलेख प्राप्त कर सुनवाई करते हुये अपीलीय कार्यवाही का निष्पादन यथासंभव 90 दिनों के अंदर किया जायेगा।
- (छ) प्रखंड स्तर के कर्मियों (कार्यक्रम पदाधिकारी को छोड़कर) को प्रधान सचिव, ग्रामीण विकास विभाग, बिहार सरकार के समक्ष पुनरीक्षण का आवेदन समर्पित करेंगे। अपीलीय आदेश पारित होने के 30 दिनों के अंदर पुनरीक्षण आवेदन समर्पित करना आवश्यक होगा।
- (ज) पुनरीक्षण प्राधिकार द्वारा अपीलीय प्राधिकार से मंतव्य या / और संबंधित अभिलेख प्राप्त कर मामले की सुनवाई करते हुए यथासंभव 90 दिनों के अंदर पुनरीक्षण मामले में आदेश पारित किया जायेगा।
- (झ) BRDS Bye Laws के कंडिका 11 के उपबंध (xv) में दिये गये प्रावधान के अनुसार प्रधान सचिव, ग्रामीण विकास विभाग-सह-अध्यक्ष, BRDS द्वारा उनमें निहित अपीलीय प्राधिकार के शक्ति को CEO, BRDS या किसी अन्य पदाधिकारी को प्रत्यायोजित की जा सकती है।

अतः BRDS कर्मियों के सम्बन्ध में उपर्युक्त आदेश का अनुपालन सुनिश्चित किया जाय।

विश्वनाथ झा
25.03.22

(सी.पी.ओ. खंडूजा)
आयुक्त मनरेगा-सह-
मुख्य कार्यपालक पदाधिकारी,
बी०आर०डी०एम०

7. It transpires from the orders impugned that the explanation has been placed before the petitioner on which he



has replied. The allegation of the petitioner that Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005') has not applied here in the present case, this Court is completely disagree, as the petitioner is not protected under the Bihar CCA Rules 2005. It also transpires to this Court that for the protection of the petitioner from the departmental proceeding, Annexure-P/13 is very much relevant in which the Original Authority is the Deputy Development Commissioner, Jehanabad, the Appellate Authority is the District Magistrate, Jehanabad and the Revisional Authority is the Secretary, Department of Rural Development, Bihar, Patna.

8. The petitioner has challenged the order of the Original Authority contained in Memo No. 1863 dated 10.10.2022 (Annexure-P/7) passed by the D.D.C. Jehanabad. The order passed by the Disciplinary Authority i.e. D.D.C. Jehanabad is a well reasoned order which also indicates that liberty of filing appeal has been granted within 30 days. Thereafter, the petitioner filed the appeal and his appeal was rejected *vide* order dated 28.03.2023 (Annexure-P/9). Thereafter, the petitioner filed a revision which was also rejected *vide* order dated 27.10.2023 (Annexure-P/11). From the revisional order, it transpires that whatever be the point the petitioner has raised, has been taken



care of and accordingly, revisional order has been passed by the Revisional Authority.

9. This Court finds that there are concurrent findings by all the three authorities/courts against the petitioner. Being the High Court, this Court hereby declines to interfere in the concurrent findings by all the three authorities at the factual matrix. So far as the law is concerned i.e. rule contained in Annexure-P/13, where, how the disciplinary proceeding shall be conducted has already been indicated in clause 3. It transpires to this Court that the proceeding laid down under clause 3 is not the proceeding under Bihar CCA Rules, 2005. It is something different and from the orders impugned, this Court finds that the procedure which has to be taken under clause 3 of Annexure-P/13 has been followed.

10. Hence, this Court is not inclined to interfere in the factual matrix and accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/04/2026
Transmission Date	NA

