

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8970 of 2024

Sandhya Kumari Wife of Sri Awadhesh Kumar Gupta, Permanent resident of Village and Post - Belari, P.S.- Shambhuganj, District - Banka, presently residing at Salouna, Post and P.S.- Bakhari, District - Begusarai, the then Panchayat Rojgar Sewak, Gram Panchayat Mauzi Harisingh, Block - Garhpura, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Commissioner, MANREGA-cum-CEO, Bihar Rural Development Society (BRDS), Red Cross Building, Gandhi Maidan, Patna.
4. The Secretary, Rural Development Department, Government of Bihar, Patna cum Reviewing Authority.
5. The District Programme Coordinator-cum-Appellate Authority-cum-District Magistrate, District - Begusarai.
6. The Additional District Programme Coordinator-cum-Deputy Development Commissioner, District - Begusarai.
7. Bindu Kumari, the then Programme Officer (MNAREGA), Block - Garhpura, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate Mr. Avanindra Kumar Jha, Advocate Mr. Ram Naresh Jha, Advocate
For the State	:	Mr. Sudama Kumar (AC to SC-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-02-2026

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

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

“I. To hold and declare that, the orders impugned as contained in Memo No. 190 dated 28.03.2022, by the Respondent no.6,



(Ann-6) whereby and where under the Petitioner's services as Panchayat Rojgar Sewak, has been terminated, and the order dated 21.06.2023 by appellate authority (Ann-P 8) as well as of order of Reviewing authority dated 05.12.2023 (Ann-P10), whereby and where under termination has been upheld, are violative of Principle of Natural Justice, and as such, bad in law & on facts and as such fit to be set aside, by this Hon'ble Court.

AND CONSEQUENT UPON SUCH DECLARATION

II. For issuance of appropriate orders, direction or writ in the nature of Certiorari for quashing the orders impugned as contained in Memo No. 190 dated 28.03.2022, by the Respondent No.6, (Ann-6), and the order dated 21.06.2023 by appellate authority (Ann-P 8} as well as of order of Reviewing authority dated 05.12.2023 (Ann - P 10).

III. For issuance of appropriate orders, direction or writ in the nature of Mandamus for directing the respondents concerned to reinstate the Petitioner in the service as Panchayat Rojgar Sewak, Gram Panchayat Mauzi Harisingh, Block Garhpura, forthwith, with all consequential benefits, including the salary for the period, for



which the petitioner has been kept out of service, without any fault on her part.

IV. For issuance of appropriate orders, direction or writ in the nature of Mandamus for directing the respondents concerned to make payment of current as well as arrears Salary, along with penal interest, at least at the rate of 18%.

V. For grant of any other relief or reliefs to which the Petitioners may be found entitled to, in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submits that the petitioner was posted Panchayat Rojgar Sewika, Gram Panchayat Mauzi Harisingh, Block- Garhpura, District- Begusarai. During her work period, she came in conflict with the respondent no.7 who was posted as Programme Officer (MNREGA), Block- Garhpura, District- Begusarai. Counsel submits that the dispute between the petitioner and the respondent no.7 has arisen on 07.07.2010. Subsequently, the alleged dispute occurred between the petitioner and the respondent no.7 resulted into a criminal case lodged against the petitioner bearing Garhpura P.S. Case No. 25 of 2022 dated 11.03.2022 in which, the petitioner went into custody and remained in custody till 14.07.2022, when she was granted bail by this Hon'ble Court. Counsel further submits that the services



of the petitioner has been guided by Letter No. 196 dated 25.03.2022 (Annexure-P/11) issued by the Bihar Rural Development Society (BRDS), Government of Bihar, framed for Bihar Rural Development Society, under which, the provision of conduction of departmental proceeding has been indicated in Clause-3 of the said letter. According to which, for departmental proceeding, show cause has to be issued and upon receiving the show cause following the principles of natural justice, order of punishment has to be imposed. Counsel submits that there is a provision of appeal before the Appellate Authority as well as provision of revision before the Revisional/Reviewing Authority. Counsel submits that the petitioner went into custody on 12.03.2022 and thereafter, granted bail by the Co-ordinate Bench of this Court on 14.07.2022.

4. Learned counsel for the petitioner further submits that the original order has been passed *vide* order dated 28.03.2022 contained in Memo No. 190 (Annexure-P/6); the appellate order has been passed *vide* order dated 21.06.2023, contained in Memo No. 2232 dated 10.07.2023 (Annexure-P/8) and the revisional order has been passed *vide* order dated 05.12.2023 (Annexure-P/10). Counsel submits that all the orders have been passed in gross violation of principles of natural justice. The show cause has not been served upon the petitioner



as a result of which, the petitioner could not defend herself. Counsel, therefore, submits that the Original Authority, Appellate Authority and the Reviewing Authority, all have passed orders in gross violation of Letter No. 196 dated 25.03.2022 (Annexure-P/11) and the same be directed to be set aside.

5. Learned counsel for the State, on the other hand, submits that the show cause has been served upon the husband of the petitioner, and therefore, it is wrong to say that the notice has not been issued. He further submits that the original order, appellate order as well as the revisional order (Annexure-P/6, P/8 & P/10), all were passed after due consideration of all the points raised by the petitioner. Counsel submits that it is wrongly alleged that the violation of principles of natural justice has been made. He, therefore, submits that there is no need of any interference in this matter and this writ petition be dismissed.

6. After hearing the parties and upon perusal of the documents, it transpires to this Court that admittedly, the petitioner was serving as Panchayat Rojgar Sewika and the services of the Panchayat Rojgar Sewika comes within the purview of the Rural Development Department, Government of Bihar and it has been indicated in Letter No. 196 dated 25.03.2022 that those persons who are working under Bihar



Rural Development Society (BRDS) including the Panchayat
Rojgar Sewak/Sewika for whom, the departmental proceeding
has to be done according to the said letter.

7. Therefore, it is very much relevant to quote the
Letter No. 196 dated 25.03.2022 (Annexure-P/11), and the
extract of same is as follows:-

अनुसूचिका-5 * Annexure - P11 *

बिहार रूरल डेवलपमेंट सोसाइटी
बिहार सरकार
ग्रामीण विकास विभाग

पत्रांक 196
24th BRD/HRD/2022

पटना, दिनांक 25/03/2022

प्रमाणित
सी.सी.ओ. राउतवा
आमुक्त, मनरेगा-सह-मुख्य कार्यकारी पदाधिकारी,
बीडएसडीओ एरर, पटना।

संज्ञा में
सभी जिला पदाधिकारी-सह-जिला कार्यक्रम समन्वयक,
सभी उप विकास आमुक्त सह-अपर जिला कार्यक्रम समन्वयक,
बिहार।

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

महोदय,

बिहार रूरल डेवलपमेंट सोसाइटी (BRDS) के 13वीं कार्यकारी समिति की बैठक में विवेचन के
आलोक में बीडएसडीओ/उप-अपर जिला कार्यक्रम समन्वयक / पदाधिकारियों के विरुद्ध अनुशासनात्मक
कार्यवाई से संबंधित सुझावित प्रत्यक्ष निष्पत्ती प्रकाशित की।

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

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

- (1) लिखित चेतावनी।
- (1.1) बिना संवर्धी प्रभाव के तीन वर्षिक मुदति तक सेवा।
- (1.1.1) संवर्धी प्रभाव के साथ अधिकतम तीन वर्षिक मासिक मुदति पर सेवा।
- (1.2) गृह मानदेय में कटौती 5% से 25% तक की 1 से 5 साल की अवधि के लिए कटौती।
- (1.3) Performance Incentive में कटौती।
- (1.4) अनुबंध रद्द / समाप्त करना।
- (1.5) गृह की स्थिति में अनुबंध रद्द/समाप्त करने के साथ गृह की स्थिति की कसौती एवं अन्य वैधानिक
कार्यवाई।

2. अनुशासनात्मक प्राधिकार :-

अनुशासनात्मक, अपील और पुनरीक्षण प्राधिकार इस प्रकार है:-

वर्गी / पदाधिकारी का स्तर	अनुशासनात्मक प्राधिकार (Disciplinary Authority)	अपीलीय प्राधिकार (Appellate Authority)	पुनरीक्षण प्राधिकार (Resolving Authority)
प्रखंड और पंचायत स्तर के कर्मी / कार्यक्रम पदाधिकारी एवं सहायक।	उप विकास आमुक्त सह-अपर जिला कार्यक्रम समन्वयक	जिला पदाधिकारी सह-जिला कार्यक्रम समन्वयक	प्रधान सचिव, ग्रामीण विकास विभाग



जिला न्यायाधिकारी व जिला सार्वजनिक कामी कर्मचारी / पदाधिकारी (जिला कार्यक्रम प्रशासिकाारी को संलग्न)	जिला पदाधिकारी - सह - जिला कार्यक्रम समन्वयक	प्रधान सचिव, ग्रामीण विकास विभाग	-----
जिला कार्यक्रम पदाधिकारी एवं राज्य सार्वजनिक कामी कर्मचारी / पदाधिकारी	अधुक्त नगरपालिका	प्रधान सचिव, ग्रामीण विकास विभाग	-----

8. Upon the specific query of the Court from the counsel for the State that whether the show cause was against the petitioner when she was admittedly in jail from 14.07.2022 to 14.07.2022 or not, counsel for the petitioner



submits that about service of explanation, there is no pleading.

9. It also transpires to this Court that the petitioner was granted bail by the Co-ordinate Bench of this Court on 14.07.2022, meaning thereby, the petitioner was in custody from 12.03.2022 to 14.07.2022 atleast, and the original order i.e. order dated 28.03.2022 contained in Memo No. 190 (Annexure-P/6) was passed when the petitioner was in custody. Whereas, the appellate order and the revisional order, both were passed in the year 2023 i.e. after the petitioner got bail by the Hon'ble Court. It transpires to this Court that in the said rule, the original order has to be passed by the Disciplinary Authority only after taking the explanation. But, here in the present case, it transpires to this Court that admittedly, the show cause has not been served upon the petitioner in jail, nor there is a single document by which it transpires that the show cause has been served upon the petitioner or any reply has come from the jail.

10. Therefore, this Court is of the firm view that the original order has been passed in gross violation of the rule framed by the State itself, mentioned above. Hence, the original order dated 28.03.2022 contained in Memo No. 190 (Annexure-P/6) is hereby set aside. Since, the original order is quashed, therefore, automatically the subsequent orders i.e. the appellate order dated 21.06.2023, contained in Memo No. 2232 dated



10.07.2023 (Annexure-P/8) as well as the revisional order dated 05.12.2023 (Annexure-P/10) are also hereby set aside.

11. Liberty is hereby granted to the Disciplinary Authority to take a fresh decision after granting show cause to the petitioner and then pass order in accordance with the rule mentioned above, within 60 days from the date of production of a copy of this order.

12. Accordingly, with the aforesaid observation, this writ petition stands allowed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	25/02/2026
Transmission Date	NA

