IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3792 of 2024

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Manoj Kumar Yadav Son of Mahendra Yadav, resident of Gangdwar, P.S. - Andharathadhi, District - Madhubani.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Additional Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Deputy Secretary, Rural Development Department, Government of Bihar, Patna.
4. The Commissioner, MGNREGA, Rural Development Department, Government of Bihar, Patna.
5. The Director, IT, HRMS, BRDS, Red Cross Bhawan, Gandhi Maidan, Patna.
6. The District Magistrate-cum-Appellate Authority, District Programme Coordinator, MGNREGA, Madhubani.
7. The Deputy Development Commissioner-cum-Additional District Programme Coordinator, MGNREGA, Madhubani.
8. The District Programme Officer, MGNREGA, Madhubani.
9. The Programme Officer, MGNREGA, Madhubani.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Pranav Kumar
For the Respondent/s : Mr. Standing Counsel (12)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT
Date : 07-10-2025

Heard Mr. Y.V. Giri, learned Senior Counsel for the petitioner and the learned counsel for the State.

2. This writ petition has been filed for the following relief(s):

i) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the order memo no. 1639 dated 22.06.2023 issued under the signature of the Deputy Development Commissioner -cum- Additional District Programme Coordinator. MGNREGA, Madhubani, by which as per sub-clause 6 of clause I of the letter no. 196 dated 25.03.2022, the contract of the petitioner was terminated.

(ii) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the order dated 16.08.2023 passed in appeal case no. 2/2023 by which the order of the Deputy Development Commissioner -cum- Additional District Programme Coordinator, MGNREGA, Madhubani, terminating the contract of the petitioner through order bearing memo no. 1639 dated 22.06.2023 was affirmed by the District Magistrate, Madhubani.

(iii) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the order dated 23.01.2024 passed by the Secretary, Rural Development Department, Government of Bihar, in Revision Application filed by the petitioner against the order dated 16.08.2023 and 22.06.2023.

(iv) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the order dated 07.02.2024 issued under the signature of the Deputy Secretary, Development Rural Department, Government of Bihar, Patna by which the second revision application dated 31.01.2024 was dismissed.

(v) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents to restore the petitioner to the post of Panchayat Rojgar Sevak, Block Office, Harlakhi.

(vi) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents to restore the petitioner to the post of Panchayat Rojgar Sevak, Block Office, Harlakhi and pay the entire salary from March 2023 to till date.

3. The brief facts relevant for the present case are that the petitioner was appointed as Panchayat Rojgar Sevak in 2010 and was working in that capacity. On December 21, 2022, he was transferred to Block Headquarter, Harlakhi, and had joined on the same day. In the month of March in the year 2023, his mother suffered from a serious illness of the heart, for which the petitioner took her to Darbhanga for better treatment. On 09.03.2023, the petitioner made an application before the Programme Officer, Harlakhi stating therein that his mother is not well and consequently had applied for leave from 10.03.2023 to 20.03.2023. The said application was received in the office of the Programme Officer, Block Harlakhi on 10.03.2023, after which the petitioner proceeded with the treatment of his mother.

4. The petitioner was issued a show cause vide Memo No. 42 dated 25.03.2023 issued by the Programme Officer, MGNREGA, Harlakhi, by which the petitioner was asked an explanation regarding his absence from office for past 15 days and further alleging therein that no work has been done by the

petitioner for last 4 months and further the petitioner was directed to furnish his explanation within a period of 24 hours.

5. The petitioner in reply to the said show cause had informed the office through *WhatsApp* group on the same day at 05:05 P.M. along with the photographs, showing that his mother was admitted in City Hospital, Darbhanga. Subsequently, another Letter No. 50 dated 25.04.2023 was issued for his absenteeism from the weekly meeting and show cause explanation was asked by the Programme Officer, MGNREGA, Harlakhi. Thereafter, another Memo No. 1165 dated 28.04.2023 was issued by the Deputy Development Commissioner-cum-Additional District Programme Coordinator, MGNREGA, Madhubani to the petitioner regarding non-furnishing his explanation to the show cause issued by the Programme Officer, Harlakhi dated 25.03.2023 and 25.04.2023, and accordingly 3 days' time was given to the petitioner to furnish his explanation for the same as to why the contract should not be **terminated.** The petitioner, in compliance to the Memo No. 1165 dated 28.04.2023, furnished his reply on 30.04.2023, stating therein that owing to the ill health of the mother of the petitioner from past three months, the petitioner was not in a position to attend office and further prayed to exonerate

him from the explanation and made a request to transfer him to some nearest block.

6. Subsequently, the Deputy Development Commissioner -cum-Additional District Programme Coordinator, MGNREGA, Madhubani, issued an office order vide Memo No. 1639 dated 22.06.2023 by which as per sub-clause 6 of clause 1 of the letter no. 196 dated 25.03.2022, the contract of the petitioner was terminated.

7. The learned Senior counsel for the petitioner submits that after a series of treatment, the petitioner took his mother to the Cribs Hospital, Madhubani on 17.03.2023 from where the mother of the petitioner was discharged on 21.03.2023. Thereafter, the mother of the petitioner was operated for pacemaker surgery in City Hospital, Darbhanga and was discharged on 28.03.2023. A certificate dated 23.03.2023 was also issued stating that the mother of the petitioner requires intensive care.

8. The learned Senior counsel for the petitioner submits that while passing the order, an incorrect finding was recorded by the D.D.C., Madhubani, that the petitioner had himself accepted that he was absent from the office for the last 3 months without any information which is totally an incorrect finding as it is evident from the earlier show cause dated 25.03.2023 in which the

Programme Officer has himself specifically mentioned that the petitioner was absent for last 15 days without any information. However, the petitioner while leaving for the treatment of his mother had submitted an application for leave which was duly received by the office of the Programme Officer, Harlakhi on 10.03.2023.

9. The learned Senior counsel for the petitioner further submits that the D.D.C., Madhubani has wrongly interpreted the explanation furnished by the petitioner dated 30.03.2023, that the petitioner was not coming to office from the past 3 months. Furthermore, another error was committed by the D.D.C. Madhubani to the extent of recording a finding that the petitioner was absent from office since 21.12.2022 which is incorrect as the petitioner was duly working and had received his due salary till February 2023,in support of which the petitioner had furnished the payslips along with the explanation.

10. The learned Senior counsel for the petitioner has further submitted that the petitioner had preferred an appeal against the order of termination/cancellation before the District Magistrate, Madhubani and a revision against the order dated 16.08.2023, before the Secretary, Rural Works Department and a second revision before the Deputy Secretary, Rural Works

Department in which the appellate as well as the revisional authority has affirmed the order of termination/cancellation.

11. It is submitted by the learned Senior Counsel for the petitioner that due to ill health of his mother from the past 3 months, he was not able to come to office from 10.03.2023 to 30.04.2023.

12. The petitioner has filed supplementary affidavits wherein it has been categorically submitted that vide Letter No. 428 dated 08.04.2021, the service of the petitioner was extended up to 60 years or the retirement age or project period and from the perusal of the aforesaid order, it is evident that the appointment of the petitioner was initially meant for two years and was subsequently extended till the age of 60 years. Advocating to the aforesaid order, the learned Senior counsel for the petitioner submits that the respondents are taking away the vested right created in favour of the petitioner without following the due procedure under law.

13. It is submitted by the learned Senior counsel for the petitioner that the respondents through Letter No. 196 dated 25.03.2022 had issued guidelines for disciplinary action against the officers and the staff of Bihar Rural Development Society, MGNREGA and the conditions as enumerated in the agreement is

no more applicable for the purpose of taking any disciplinary action or rescinding the agreement.

14. The learned Senior counsel for the petitioner has further submitted that the DDC, Madhubani in its order of termination/cancellation has relied upon sub-clause (6) of Clause 1 and Clause 3(da) of the guidelines dated 25.03.2022 without following the procedure prescribed in terms of Clause 3(gha) of the guidelines and has also not followed the guidelines dated 25.03.2022 for initiating disciplinary action against the employees of the BRDS. In terms of Clause 3(gha) of the guidelines, the disciplinary authority has to issue show cause and when the show cause is found unsatisfactory then as per the principle of natural justice an opportunity of hearing is required to be given to the delinquent employee. However, in the present case, the DDC, Madhubani has passed the order of termination/cancellation against the petitioner without giving him any opportunity of hearing as required in terms of Clause 3(gha) of the guidelines dated 25.03.2022. Similar infirmity has been followed in the appellate orders and the appellate authority without considering the fact has wrongly affirmed the order dated 22.06.2023 passed by the D.D.C., Madhubani.

15. The learned Senior counsel for the petitioner has next submitted that the Order dated 22.06.2023 the D.D.C., Madhubani has stated that the action of the petitioner is contrary to the Clause 3 and 11 of the Agreement, however the said Clause is no more applicable in the case of the petitioner as the same has been modified through the guidelines dated 25.03.2022. It is further submitted that as per Clause 3(gha) of the guidelines dated 25.03.2022, there is a provision of second show cause to be issued to the petitioner before rescinding the contract, which has not been followed in the present case as no show cause had been issued to the petitioner after rejecting the explanation and therefore, the order has been passed in violation of the guidelines dated 25.03.2022.

16. The learned Senior counsel for the petitioner further submits that the order dated 23.01.2024, 16.08.2023, and 22.06.2023 are arbitrary, illegal, and fit to be quashed, on the ground that in all the three orders, the authorities have not considered the fact that the petitioner was not absent from last 3 months. i.e. since 21.12.2022, but in fact an incorrect interpretation was given by the DDC Madhubani, to the reply of the petitioner in which he was trying to convey that her mother is not keeping well from last 3 months, due to which he could not

come to office. Further, while passing the order, the respondent authorities have not recorded any reason on the fact as to how the petitioner has been paid salary for 3 months if he was absent from 21.12.2022 as recorded by the DDC Madhubani in its order dated 22.06.2023.

17. The learned Senior counsel for the petitioner has further submitted that even, the DDC Madhubani has not recorded any finding to the fact that in response to the show cause dated 25.03.2023, the petitioner had informed on the *WhatsApp* group, on the same day that he was unable to attend office due to ill health of his mother and due to the fact that his mother was admitted in the hospital. Also, in the termination/cancellation order dated 22.06.2023, information about the leave application dated 10.03.2023 submitted by the petitioner in the office of Programme Officer, has not been taken into consideration nor any finding has been recorded by the authorities.

18. Lastly, the learned Senior counsel for the petitioner submits that the show cause issued by the Programme Officer, Harlakhi is arbitrary, illegal and based on incorrect facts as when the petitioner had already submitted his leave application dated 10.03.2023, and it was duly received in the office of Programme

Officer, then there was no occasion for the Programme Officer to issue any show cause to the petitioner

19. Learned counsel for the respondents opposes the argument raised by the learned Senior Counsel for the petitioner and submits that the reply of show cause submitted by the petitioner was duly considered by the respondent-authority and upon careful scrutiny of the facts and reply submitted by the petitioner, the order of termination/cancellation was passed.

20. I have heard and considered the submissions of the parties.

21. It is relevant here to quote a decision of the Hon'ble Supreme Court in the case of ***Krushnakant B. Parmar v. Union of India,*** reported as ***(2012) 3 SCC 178,*** the relevant paragraphs of which read as under: -

> *"**16.** In the case of the appellant referring to unauthorised absence the disciplinary authority alleged that he failed to maintain devotion to duty and his behaviour was unbecoming of a government servant. The question whether "unauthorised absence from duty" amounts to failure of devotion to duty or behaviour unbecoming of a government servant cannot be decided without deciding the question whether absence is wilful or because of compelling circumstances.*
>
> ***17.** If the absence is the result of compelling circumstances under which it was not possible to report or perform duty, such*

absence cannot be held to be wilful. Absence from duty without any application or prior permission may amount to unauthorised absence, but it does not always mean wilful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness, accident, hospitalisation, etc., but in such case the employee cannot be held guilty of failure of devotion to duty or behaviour unbecoming of a government servant.

***18.** In a departmental proceeding, if allegation of unauthorised absence from duty is made, the disciplinary authority is required to prove that the absence is wilful, in the absence of such finding, the absence will not amount to misconduct."*

22. The Hon'ble Supreme Court in the case ***of M.V. Bijlani v. Union of India*** reported as ***[(2006) 5 SCC 88: 2006 SCC (L&S) 919]*** in paragraph 25 has held thus: -

*"**25**. It is true that the jurisdiction of the court in judicial review is limited. Disciplinary proceedings, however, being quasi-criminal in nature, there should be some evidence to prove the charge. Although the charges in a departmental proceeding are not required to be proved like a criminal trial i.e. beyond all reasonable doubt, we cannot lose sight of the fact that the enquiry officer performs a quasi-judicial function, who upon analysing the documents must arrive at a conclusion that there had been a preponderance of probability to prove the*

> *charges on the basis of materials on record. While doing so, he cannot take into consideration any irrelevant fact. He cannot refuse to consider the relevant facts. He cannot shift the burden of proof. He cannot reject the relevant testimony of the witnesses only on the basis of surmises and conjectures. He cannot enquire into the allegations with which the delinquent officer had not been charged with."*

23. The doctrine of *audi alteram partem* has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely, must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order. A disciplinary authority acting in a *quasi-judicial* capacity, arriving at an adverse finding to impose a punishment must support the same with cogent reasons. The orderly functioning of the process of review requires that the grounds upon which the administrative agency acted, be clearly disclosed and adequately sustained. The importance of passing a reasoned order by such an authority is *sine qua non* and numerous judicial precedents have time and again underscored the imperative and fundamental importance of

recording the reasons. It may be gainful to refer to the authoritative pronouncements from the Hon'ble Supreme Court, which have cemented and crystallized the position of law on this aspect.

24. The Constitution Bench of the Hon'ble Supreme Court in the case of ***S.N. Mukherjee v. Union of India, reported as (1990) 4 SCC 594***, while considering one of the questions, whether there is a general principle of law which requires an administrative authority to record the reasons for its decision, had held as under: -

> *36. Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance.* ***These considerations show that the recording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision making.*** *The said purpose would apply equally to all decisions and its application cannot be confined to decisions which are subject to appeal, revision or judicial*

review. ***In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review.*** *It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a court of law. The extent and nature of the reasons would depend on particular facts and circumstances.* ***What is necessary is that the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage.*** *The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge.*

37. Having considered the rationale for the requirement to record the reasons for the decision of an administrative authority exercising quasi-judicial functions we may now examine the legal basis for imposing this obligation. While considering this aspect the Donoughmore Committee observed that it may well be argued that there is a third principle of natural justice, namely, that a party is entitled to know the reason for the decision, be it judicial or quasi-judicial. The Committee expressed the opinion that "there are some cases where the refusal to

give grounds for a decision may be plainly unfair; and this may be so, even when the decision is final and no further proceedings are open to the disappointed party by way of appeal or otherwise" and that "where further proceedings are open to a disappointed party, it is contrary to natural justice that the silence of the Minister or the Ministerial Tribunal should deprive them of the opportunity". (p. 80) Prof. H.W.R. Wade has also expressed the view that ***"natural justice may provide the best rubric for it, since the giving of reasons is required by the ordinary man's sense of justice".*** *(See Wade, Administrative Law, 6th edn. p. 548.)* ***In Siemens Engineering Co. case [(1976) 2 SCC 981 : 1976 Supp SCR 489] this Court has taken the same view when it observed that "the rule requiring reasons to be given in support of an order is, like the principles of audi alteram partem, a basic principle of natural justice which must inform every quasi-judicial process"****. This decision proceeds on the basis that the two well known principles of natural justice, namely (i) that no man should be a judge in his own cause, and (ii) that no person should be judged without a hearing, are not exhaustive and that in addition to these two principles there may be rules which seek to ensure fairness in the process of decision-making and can be regarded as part of the principles of natural justice. This view is in consonance with the law laid down by this Court in A.K. Kraipak v. Union of India [(1969) 2 SCC 262 : (1970) 1 SCR 457] wherein it*

has been held : (SCR pp. 468-69 : SCC p. 272, para 20)

> *"The concept of natural justice has undergone a great deal of change in recent years. In the past it was thought that it included just two rules namely : (i) no one shall be a judge in his own cause (nemo debet esse judex propria causa), and (ii) no decision shall be given against a party without affording him a reasonable hearing (audi alteram partem). Very soon thereafter* ***a third rule was envisaged and that is that quasi-judicial enquiries must he held in good faith, without bias and not arbitrarily or unreasonably****. But in the course of years many more subsidiary rules came to be added to the rules of natural justice."*

38. A similar trend is discernible in the decisions of English courts wherein it has been held that natural justice demands that the decision should be based on some evidence of probative value. (See : R. v. Deputy Industrial Injuries Commissioner ex p. Moore [(1965) 1 QB 456 : (1965) 1 All ER 81] ; Mahon v. Air New Zealand Ltd. [1984 AC 648 : (1984) 3 All ER 201])

39. ***The object underlying the rules of natural justice "is to prevent miscarriage of justice" and secure "fair play in action". As pointed out earlier the requirement about recording of reasons for its decision by an administrative authority exercising quasi-judicial functions achieves this object by excluding chances of arbitrariness and ensuring a degree of fairness in the process***

of decision-making. Keeping in view the expanding horizon of the principles of natural justice, we are of the opinion, that the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power by administrative authorities. *The rules of natural justice are not embodied rules. The extent of their application depends upon the particular statutory framework whereunder jurisdiction has been conferred on the administrative authority. With regard to the exercise of a particular power by an administrative authority including exercise of judicial or quasi-judicial functions the legislature, while conferring the said power, may feel that it would not be in the larger public interest that the reasons for the order passed by the administrative authority be recorded in the order and be communicated to the aggrieved party and it may dispense with such a requirement. It may do so by making an express provision to that effect as those contained in the Administrative Procedure Act, 1946 of U.S.A. and the Administrative Decisions (Judicial Review) Act, 1977 of Australia whereby the orders passed by certain specified authorities are excluded from the ambit of the enactment. Such an exclusion can also arise by necessary implication from the nature of the subject matter, the scheme and the provisions of the enactment. The public interest underly-ing such a provision would outweigh the salutary purpose served by the requirement to record the reasons. The said requirement cannot, therefore, be insisted upon in such a case.*

40. For the reasons aforesaid, ***it must be concluded that except in cases where***

> ***the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision.***

25. Summarizing the principles of law, the Hon'ble Supreme Court in the case of ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan, reported as (2010) 9 SCC 496***, had held as under –

> *"**46**. The position in the United States has been indicated by this Court in S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] in SCC p. 602, para 11 : AIR para 11 at p. 1988 of the judgment. This Court held that in the United States the courts have always insisted on the recording of reasons by administrative authorities in exercise of their powers. It was further held that such recording of reasons is required as "the courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review". In S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] this Court relied on the decisions of the US Court in Securities and Exchange Commission v. Chenery Corpn. [87 L Ed 626 : 318 US 80 (1942)] and Dunlop v. Bachowski [44 L Ed 2d 377 : 421 US 560 (1974)] in support of its opinion discussed above."*
>
> *"**47**. Summarizing the above discussion, this Court holds:*
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> *(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be

as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the

> *broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".*
>
> *(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".*

26. Considering the submissions of the learned counsels for the parties and the material available on record, I am of the view that in the present case, the inquiry officer on appreciation of evidence though held that the petitioner was unauthorisedly absent from duty but failed to hold that the absence was wilful. The disciplinary authority as also the appellate authority, failed to consider the fact that the petitioner was absent from duty due to compelling reasons i.e. ill health and heart surgery of his mother,

as was also mentioned in the explanation of the petitioner and subsequently wrongly terminated the petitioner. Moreover, mere show cause notice, without following the guidelines prescribed vide Letter No. 196 dated 25.03.2022 and without hearing the petitioner would not suffice as the petitioner was facing termination/cancellation and when on the face of the records it appears that procedure duly prescribed have to be followed, has not been done in the present case then the writ petition is fit to be allowed. No person can be terminated without following the Principles of Natural Justice and without following the procedure prescribed under the guidelines. This is a case where the guidelines prescribed have not been followed and the petitioner has not been heard.

27. In view of the discussions made above, the writ petition is allowed.

28. Accordingly, the order memo no. 1639 dated 22.06.2023 issued under the signature of the Deputy Development Commissioner -cum- Additional District Programme Coordinator. MGNREGA, Madhubani, the order dated 16.08.2023 passed in appeal case no. 2/2023 by which the order of the Deputy Development Commissioner -cum- Additional District Programme Coordinator, MGNREGA, Madhubani, the order dated

23.01.2024 passed by the Secretary, Rural Development Department, Government of Bihar, the order dated 07.02.2024 issued under the signature of the Deputy Secretary, Development Rural Department, Government of Bihar, Patna are hereby quashed.

29. The respondents are directed to accept the joining of the petitioner forthwith. The petitioner shall be entitled to all consequential benefits.

(Sandeep Kumar, J)

Shishir/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	