

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.340 of 2014

With

I.A. No.718 of 2014

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Gram Panchayat Gonha, Block + P.S. - Triveniganj, District - Supaul
through its Elected Mukhiya Rajdeo Sardar, son of Shri Munga Lal Sardar,
resident of Village - Gongha, P.S. - Triveniganj, District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayat Raj, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayat Raj, Government of Bihar, Patna.
3. The Commissioner, Koshi Commissioner, Koshi Division, Saharsa.
4. The District Officer-cum- District Magistrate -cum- District Collector, Supaul.
5. The Deputy Development Commissioner, Supaul.
6. The Sub-Divisional Officer, Triveniganj, District – Supaul.
7. The Block Development Officer, Triveniganj, District – Supaul.
8. The Secretary of the Gram Panchayat, Gongha, Block - Triveniganj, District – Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Respondent/s : Mr. Prasoon Sinha, GA-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 23-03-2015

Learned counsel for the parties are present.

In substance the petitioner had complained that though a resolution for removal of the private respondent from the post of Panchayat Secretary, Gram Panchayat Raj, Gonaha in the district of Supaul was passed under section 162(3) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as ‘the Act’) as back as on 30.8.2013 and an order was also passed by the Block Development Officer directing the private respondent to hand over the charge but such order was stayed by the Sub-divisional Officer and in the meantime a transfer order was

passed by the District Magistrate, Supaul but yet the private respondent did not hand over charge.

Counter affidavit was filed on behalf of respondents and though it was admitted that charge memo was served on the private respondent as to his act of disobedience in handing over the charge to the successor in office but it did not reflect whether the private respondent had relinquished his charge. It is taking note of the circumstances existing that this Court vide order passed on 23.2.2015 required a specific answer to the issue and the circumstances in which the private respondent had not handed over the charge of the post of Panchayat Secretary. A supplementary counter affidavit has been filed by the State in which it is stated that the private respondent has handed over the charge on 27.2.2015 and has also returned the advance.

Considering the circumstances, nothing further survives in the writ petition which is accordingly disposed of. The interlocutory application also stands disposed of.

(Jyoti Saran, J)

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