

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1471 of 2014
IN
Civil Writ Jurisdiction Case No. 10683 of 2014
With
Interlocutory Application No. 8248 of 2014
And
Interlocutory Application No. 8378 of 2014
In
Letters Patent Appeal No.1471 of 2014



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Hiraman Sao, S/O Ram Ayodhya Sao, resident of village- Khirpur, P.O.- Banauli,
P.S.- Paliganj Khirimore, District- Patna

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Secretariat, Patna
2. The Principal Secretary, Department of Panchayati Raj, Secretariat, Patna
3. The Director, Department of Panchayati Raj, Secretariat, Patna
4. The District Panchayat Raj Officer-cum-District Magistrate, Patna
5. The Senior Deputy Collector, Incharge, District Development, Branch, Patna, Bihar
- Respondents/ Respondents 1st set
6. Ranju Devi, wife of Chandrama Singh, Mukhiya, Gram Panchayat Raj- Khanpura Taranpur, Block and P.S.- Paliganj, District- Patna

.... Respondents

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh

Ms. Vagisha Pragya Vacaknavi

For the Respondent/s : Mr. Chandra Shekhar Singh, AC to GP 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-02-2015

This Letters Patent Appeal is preferred against the order dated 11.9.2014 passed by the learned Single Judge in CWJC No. 10683 of 2014.

The 6th respondent herein filed the writ petition, challenging the order dated 23.5.2014 passed by the Principal Secretary, Department of Panchayat Raj, 2nd respondent. The appellant got himself impleaded in the writ petition.

The relevant facts are as under.

The 6th respondent is the Mukhiya, whereas the appellant is the Up-Mukhiya of Gram Panchayat Raj Khanpura Taranpur, Block Paliganj, District Patna. Proceedings were initiated against the 6th respondent under Section 18(5) of the Bihar Panchayat Raj Act, 2006 by the 2nd respondent. Allegation was that the 6th respondent purchased the sub-standard solar lights for the village resulting in financial loss to the extent of Rs.1,57,360/-. It was alleged that the 6th respondent purchased 14 solar lights @ Rs.28,240/- for the village and on verification it was found that each unit does not cost more than Rs.17,000/-.

The 6th respondent submitted her explanation denying the allegation. She stated that being illiterate she is not conversant with the meticulous procedure and she was guided by the Panchayat Secretary and other officials. She has also stated that lamps of standard quality have since been installed. Not satisfied with the explanation offered by the 6th respondent, the 2nd respondent passed an order removing her from the post of Mukhiya. The writ petition was filed by the 6th respondent challenging the order of removal. The appellant got himself impleaded. After hearing both the parties to the writ petition, the learned Single Judge allowed it and has set aside the order of removal. Hence this appeal by the appellant.

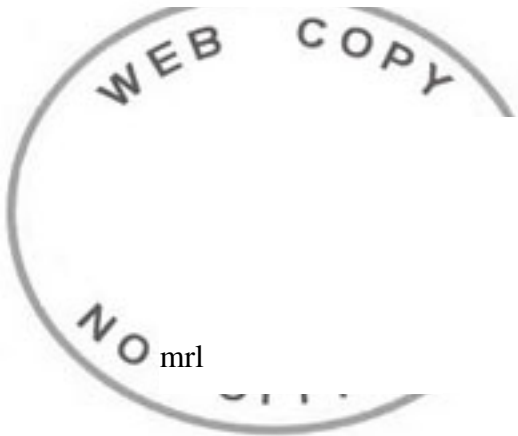
Heard Ms. Vagisha Pragya, learned counsel for the appellant and Mr. Chandra Shekhar Singh, learned counsel for the respondents-State.

It is no doubt true that solar lights purchased and installed by the 6th respondent were found to be of sub-standard quality. It is also a matter of record that the lamps have since been replaced with the standard quality ones.

The Government has prescribed a detailed procedure in the context of purchase of various items for the Panchayats including the solar lights. For example, in the guidelines issued on 27.4.2012 (Annexure-R/1) it was mentioned that in case any irregularities are found in purchase of solar lights, the differential amount would be recovered from the concerned Panchayat Secretary and Block Development Officer, without prejudice to the further steps. If the 2nd respondent was of the view that any irregularity has taken place in the purchase of solar lights, the first step expected from him was to recover the differential amount from the Panchayat Secretary and Block Development Officer. However, he has chosen the soft target who is an illiterate woman. He did not have the courage or the inclination to proceed against the Panchayat Secretary and Block Development Officer. If the democratic institutions are not effective, it is mainly on account of lopsided approach of the officers at various stages of the Government. They become over-active at once, against the gullible and illiterate persons for the sin of their having been elected. This Court does not at all approve the steps taken by the 2nd respondent.

We do not find any basis to interfere with the order dated 11.9.2014 passed by the learned Single Judge in CWJC No. 10683 of 2014. Appeal is accordingly dismissed.

Interlocutory Applications shall stand disposed of.
There shall be no order as to costs.



(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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