

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.259 of 2014

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Muni Prasad Son of Late Jageshwar Yadav, resident of Village - Lodipur,
Police Station - Khizarsarai, District - Gaya (Bihar)

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
3. The Director, Panchayati Raj Department, Bihar, Patna
4. The Assistant Director, Panchayati Raj Department, Bihar, Patna
5. The District Magistrate, Gaya
6. The District Panchayati Raj Officer, Gaya
7. The Sub-Divisional Officer, Nimchak Bathani, Gaya
8. Fulmati Devi, the Mukhiya, Lodipur Gram Panchayat, Block Khizarsarai, Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

For the Respondent/s : Mr. Mithilesh Prasad Singh, A.C. to S.C.-23

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 09-02-2015 Mr. Bindhyachal Singh, learned counsel for the petitioner and Mr. Mithilesh Prasad Singh, S.C.-23 for the State are present.

The petitioner has prayed for a direction in the nature of mandamus commanding the respondents to remove the respondent no. 8 from the post of Mukhiya, Gram Panchayat Raj Lodipur in the district of Gaya under Section 18 (5) of the Bihar Panchayat Raj Act, 2006 *inter alia* on ground of alleged misconduct and for failure to discharge her duties in the manner required.

A counter affidavit has been filed on behalf of the respondent- District Magistrate, Gaya and a perusal thereof, it transpires that the matter is pending by way of adjudication before the Principal Secretary, Panchayati Raj Department, Government of Bihar.

In the circumstances, this writ petition is disposed of with direction to the Principal Secretary, Panchayati Raj Department to consider and dispose of the matter in accordance with law and after opportunity of hearing to the respondent no. 8 and other contesting parties, expeditiously and preferably within three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J.)

Vats/-

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