

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2301 of 2015

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1. Mithilesh Kumar Singh son of late Hari Kishore Singh resident of village - Dumari, Police Station - Khairi, District - Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Director, Panchayati Raj, Bihar, Patna.
3. The Divisional Commissioner, Saran Division at Chapra.
4. The District Magistrate, Saran at Chapra.
5. The Block Development Officer, Nagra Block, District - Saran.
6. The Block Education Officer, Nagra Anchal, District - Saran.
7. Deorati Devi wife of Shri Dhorha Rai the Pramukh , Nagra Block, resident of village - Maksudpur Tole Baluapur, P.O. Khodaibagh, Police Station - Khairi, District - Saran.
8. Manoj Kumar Yadav son of Satyendra Prasad Yadav resident of village - Maksudpur Tole Baluapur, P.O. Khodaibagh, Police Station - Khairi, District - Saran.
9. Satyendra Prasad Yadav son of Shri Dhorha Rai resident of village - Maksudpur Tole Baluapur, P.O. Khodaibagh, Police Station - Khairi, District - Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Adv.

For the Respondent/s : Mr. Saroj Kumar Sharma, A.C. to AAG 5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-09-2015 None appears on behalf of the petitioner.

Mr. Saroj Kumar Sharma, A.C. to AAG 5 for the State is present and has been heard.

The petitioner while complaining of alleged irregularities committed by the private respondent No.7 who happens to be the Pramukh of Panchayat Samiti, Nagra in the district of Saran has prayed for initiation of appropriate proceedings under Section 44(4) of the Bihar Panchayat Raj Act (hereinafter referred to as 'the Act') for her removal inter alia on grounds of abuse and

misuse of the statutory powers.

According to the petitioner the respondent No.7 by abusing her power as a Pramukh of the Samiti has appointed her near and dear ones against the post of Block Programme Coordinator and the Block Accounts Coordinator.

Although the petitioner has filed some representations before the Commissioner and the District Magistrate, Saran but in my opinion in view of the statutory provisions underlying Section 44(4) of 'the Act' the appropriate authority before whom any such application is to be filed, is the Principal Secretary, Panchayat Raj Department, Government of Bihar.

In the circumstances, the writ petition is disposed of with liberty to the petitioner to raise his grievance by filing appropriate application before the Principal Secretary, Panchayat Raj Department and it goes without saying that any such application filed by the petitioner would be considered and disposed of in accordance with law by the Principal Secretary but only after giving an opportunity of hearing to the petitioner as well as the private respondent No.7.

The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

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