

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6631 of 2011

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Bhawan Jee Jha, Son of Braj Kishore Jha, Resident of Village - Bhwanipur
Tole Beghaul P.S. Sakri, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Patna
2. The Principal Secretary, Rural Development Department, New Secretariat, Bailey Road, Patna
3. The Deputy Secretary, Rural Development Department Govt. Of Bihar, Patna
4. The District Magistrate, Madhubani, District Madhubani
5. The Deputy Development Commissioner-Cum-District Programming Co-Ordinator (NREGA), Madhubani
6. The Block Development Officer Pandaul, District - Madhubani
7. The Mukhia, Gram Panchayat Raj, Bhawanipur Block Pandaul, Dist. Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-05-2015 The petitioner has filed the present writ petition seeking issuance of a writ of mandamus for removal of respondent no.7 from the post of Mukhiya of a Gram Panchayat in the district of Madhubani.

Under the scheme of the Bihar Gram Panchayat Act, 2006, a Mukhiya can be removed from the post in terms of Section 18(5) of the Bihar Gram Panchayat Act, 2006, but for that the issue is required to be raised before the competent authority and only thereafter an appropriate order can be passed.

In the present case, this Court finds that the petitioner has not approached the competent authority and has directly come to this Court in the present proceeding filed under Section 226 of the Constitution of India.

In above view of the matter, the reliefs sought for on behalf of the petitioner in the present application cannot be granted to him. The petitioner must raise the issue before the competent authority at the first instance. Only in case of rejection or non-consideration of such claim, he can approach this Court for issuance of a writ of mandamus.

With the aforesaid observations, the writ petition stands dismissed.

(Birendra Prasad Verma, J)

Arvind/-

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