

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1194 of 2015

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Chandra Shekhar, aged about 39 years, S/o Sri Krishna Sav, presently an Elected Muhkiya of Gram Panchayat, Jagdishpur, Tiaryi, Police Station Noorsarai, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Officer on Special Duty, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The Deputy Development Commissioner, Nalanda.
6. The Director, DRDA, Nalanda.
7. The Block Development Officer, Noorsarai, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha
Mr. Ashok Kumar Karna

For the Respondent/s : Mr. Dhurjati Kr Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 01-05-2015 Heard Mr. Anand Kumar Ojha, learned counsel appearing on behalf of the petitioner and Mr. Dhurjati Kumar Prasad, learned Government Pleader No.7 for the State.

Though the petitioner seeks to question the recommendation made by the District Magistrate, Nalanda to the Principal Secretary, Panchayati Raj Department under section 18(5) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') vide his letter bearing no.1283 dated 27.8.2014 as well as the show cause notice issued on 17.10.2014 by the department of Panchayati Raj impugned at Annexures 8 and 9



respectively to the writ petition inter alia, on grounds that it is a pre-determination of the issue and that the petitioner has been held guilty by the authorities even before adjudication at the level of the Principal Secretary, Panchayati Raj Department under section 18(5) of 'the Act' but in my opinion, since the matter is yet pending before the appropriate authority i.e. the Principal Secretary, Panchayati Raj Department for his opinion on the recommendation, any expression made by this Court would be prejudicing the case of either of the parties and this writ petition is accordingly disposed of with a liberty to the petitioner to raise all issues as raised in this writ petition during the course of hearing before the Principal Secretary, Panchayati Raj Department on the recommendation so made by the District Magistrate, Nalanda.

The writ petition is disposed of.

(Jyoti Saran, J)

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