

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18504 of 2011

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Parvati Devi W/O Ashok Kumar Singh Resident Of Village-Paroora, P.O.-
Sanha, P.S.-Sahebpur Kamal, District-Begusarai Petitioner
Versus

1. The State Of Bihar.
 2. The Principal Secretary, Panchayati Raj Department, Govt. Of Bihar, Patna.
 3. The Commissioner, Munger Division.
 4. The Collector, Begusarai.
 5. The Dy. Development Commissioner, Begusarai.
 6. The District Panchayati Raj Officer, Begusarai.
 7. The Sub-Divisional Officer, Balia, District-Begusarai.
 8. The Block Development Officer, Sahebpur Kamal Block, District-Begusarai. Respondents
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Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh, Advocate
For the Respondent/s : Mr. C.S.Singh, AC to Gp16

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 21-07-2015 The petitioner prays for setting aside order dated 21.9.2011, passed by the Principal Secretary, Panchayati Raj Department, Government of Bihar (respondent no.2) as contained in Annexure 6.

The petitioner was elected as Mukhia under sankha East Grampanchayat under Sahebpur Kamal Block, within district of Begusarai on 22.6.2006. On expiry of the term, she relinquished office on 21.6.2011. It appears that during her tenure certain complaints were filed against her, and the Collector, Begusarai was called upon to make enquiry. Primarily 3 charges were levelled against her. The 1st charge was that some of the



purchases were not undertaken and the money remained unused with the Panchayat Secretary. The 2nd charge is with respect to the illegalities committed in purchase of solar lights. The 3rd charge is that the petitioner did not conduct meetings at regular intervals as per the law. The Collector found all the three allegations substantiated against the petitioner. On the basis of enquiry report, the State Government passed order of her removal under section 18(5) of the Bihar Panchayat Raj Act, 2006. It appears that the petitioner has moved this Court in order to wipe of any stigma that may be attached with the order of removal.

Case of the petitioner is that the Collector by overlooking relevant materials came to the findings that all the three charges substantiated against her.

So far as 1st charge is concerned, it appears that the money for execution of works remained with the Panchayat Secretary and not with the Mukhia. Furthermore, some genuine difficulties might have been arisen in not convening regular meetings. So far as the allegation of committing irregularities in purchase of solar lights is concerned, the same needs scrutiny of facts.

In the circumstances, petitioner is granted liberty to

represent before respondent no.2. In case, such representation is filed, the learned respondent no.2 would look into the matter and dispose of petitioner's representation preferably within four months thereof.

It goes without saying that order of removal of the petitioner would be subject to the decision of respondent no.2.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

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