

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8951 of 2014

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1. Shankar Jha S/o Late Mahendra Jha resident of ward no. 9, Ghoghardiha,
P.S. Ghoghardiha, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development Department, Govt. of Bihar, Vishweswaraiya Bhawan, Patna
2. The Divisional Commissioner, Darbhanga Division, Darbhanga
3. The Collector - cum - District Magistrate, Madhubani
4. The Deputy Development Commissioner, Madhubani
5. The Sub - Divisional Officer, Phulparas, Madhubani
6. The Nagar Panchayat Ghoghardiha, through its Executive Officer, Ghoghardiha, Madhubani
7. The Chief Councillor, Nagar Panchayat Ghoghardiha, Madhubani
8. The Deputy Chief Councillor Nagar Panchayat Ghoghardiha, Madhubani
9. Mr. Pawan Kumar Jha, the Chief Councillor, Nagar Panchayat, Ghoghardiha, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

For the Respondent/s : Mr. Ajay, G.A.12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 06-07-2015 The petitioner has charged the Chief Councillor respondent No.9 of indulging in misconduct while discharging the duties of Chief Councillor. It is pursuant to an order passed in a writ petition preferred by the petitioner bearing C.W.J.C.No.5244 of 2013 placed at Annexure-6 requiring him to raise his grievance before the Divisional Commissioner that he preferred such application but in the meantime by virtue of an amendment made in the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') vide Amendment Act 7 of 2007 the jurisdiction of the

Divisional Commissioner to consider any application against the Chief Councillor or the Deputy Chief Councillor underwent a change and have been conferred upon the State Government under Section 25(5) of 'the Act'. It is by virtue of the amendment made in Section 25(5) of 'the Act' that the Divisional Commissioner has disposed of the proceedings with liberty to the petitioner to approach the appropriate competent authority.

In my opinion, the order passed by the Divisional Commissioner in the circumstances where the jurisdiction to pass an appropriate order against the Chief Councillor and the Deputy Chief Councillor presently rests in the State Government, suffers from no infirmity warranting interference. The petitioner if so advised may move the State Government for redressal of his grievance.

The writ petition is disposed of.

(Jyoti Saran, J)

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