

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12420 of 2014

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Anil Chaudhary S/o Late Shyamchandra Chaudhary Chairman, PAACS,
Muraitha PAACS, P.S. Jale, Block Jale, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Panchayati Raj,
Government of Bihar, Patna.
2. The Commissioner, Darbhanga.
3. The District Magistrate, Darbhanga.
4. Smt. Jalo Devi W/o Saburi Chaupal Mukhiya, Gram Panchayat Raj
Muraitha, Block + P.S. Jale, District Darbhanga.
5. The Officer-in-Charge, Jale Police Station, Darbhanga.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate
For the Respondent/s : Mr. Ajit Pratap Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-10-2015 Heard Mr. Archit Rajpal, learned counsel appearing for
the petitioner, learned counsel for the State and learned counsel for
the private respondent.

The writ petition was filed seeking a writ in the nature of
mandamus commanding the respondent authorities of the
Panchayati Raj Department including the Principal Secretary to
take appropriate action against the respondent no. 4 for her acts of
omission and commission in discharge of her duty as Mukhiya,
Gram Panchayat Raj Muraitha in the district of Darbhanga. A
further prayer has been made to restrain her from functioning as
such. The petitioner happens to be the Chairman of the Muraitha

Primary Agriculture Credit Cooperative Society and charges the private respondent no. 4 of misappropriation of public money.

A counter affidavit has been filed, a copy of which is served on counsel for the petitioner and the statement made therein have not been contested. It is the stand of the State in the counter affidavit that an FIR was instituted against the respondent no. 4 for certain allegations giving rise to Jale P.S. Case No. 66 of 2013 and an enquiry was also set up. The Block Programme Officer and the Junior Engineer submitted their report on 23.12.2013 and the allegations so set up against the Mukhiya were not found to be true and thus the enquiry was dropped.

Learned counsel for the petitioner while contesting the stand taken in the counter affidavit has submitted that the allegation against the petitioner is very serious and that she has misused her position as Mukhiya of the Gram Panchayat to indulge in financial irregularities. It is further the case of the petitioner that although the attention of the Principal Secretary, Panchayati Raj Department was drawn towards the irregularities by the petitioner and some other villagers but to no avail.

Having heard learned counsel for the parties and considering that the allegation so set up by the petitioner was enquired into by the authorities and were not found to be true

enough for initiating proceedings under Section 18(5) of the Bihar Panchayat Raj Act, 2006 against the private respondent and which report of the authorities has not been questioned by the petitioner on its merit, I am not persuaded to grant indulgence to the issue raised and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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