

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14070 of 2013

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Meena Kumari, wife of Mahesh Jha, Resident of Village and P.O. -
Harilochanpur, P.S. - Sarairanjan, Dist - Samastipur

.... Petitioner.

Versus

1. The State of Bihar
2. The State of Bihar through the Joint Director-Cum-Joint Secretary,
Panchayati Raj Department, Government of Bihar, Patna
3. The District Magistrate, Samastipur
4. The Sub-Divisional Officer, Samastipur
5. The Block Development Officer, Sarairanjan, Samastipur
6. The District Panchayat Raj Officer, Samastipur
7. Sri Dilip Rajak, Son of Late Nemo Lal Rajak Mukhiya, Gram Panchayat
Raj, Bhagwatpur, Samastipur

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Respondent/s : Mr. Shankar Kumar, AC to AAG-14

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks direction to respondent no.2 to
take action against respondent no.7 in the light of letter no.8 dated
03.01.2012 (Annexure-4) issued by respondent no.3, the District
Magistrate, Samastipur by which he had recommended for taking
action against respondent no.7 under Section 18(5) of the Bihar
Panchayati Raj Act, 2006.

A counter affidavit has been filed on behalf of
respondent nos. 3 and 4. In paragraph 10 of the counter affidavit, it
is stated that the petitioner has concealed the fact that he was

appointed as Panchayat Teacher in Rajkiyakrit Primary School, Harilochanpur in Bhagwatpur Panchayat, Sarairanjan. After verification, the Mukhiya and Panchayat Secretary terminated the petitioner on the ground that B.T. degree obtained by the petitioner was from unrecognized training institution.

The writ petition filed by the petitioner bearing C.W.J.C. No. 2758 of 2008 was dismissed on 25.09.2008. The petitioner filed another writ bearing C.W.J.C. No. 17381 of 2009 for taking disciplinary action against Mukhia and Panchayat Secretary for non-payment of his salary.

It appears that the Collector on 03.01.2012 had directed the Block Development Officer to lodge criminal case against the Mukhia and Panchayat Secretary. Thereafter the petitioner filed fresh writ bearing C.W.J.C. No. 21035 of 2011 for payment of his salary.

A counter affidavit has been filed on 22.12.2014 and the copy was served on 23.12.2014, however, neither side has got any material on record as to what happened thereafter.

The petitioner has prayed for time to bring further materials on record, which this Court is not inclined to grant.

This writ application is disposed of with a direction to take action from the report of the Collector dated 03.01.2012

(Annexure-4), if not already acted upon under Section 18 (5) of the Bihar Panchayati Raj Act, 2006.

This application is stands disposed of.

(Samarendra Pratap Singh, J.)

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