

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13383 of 2014

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Kedar Singh, S/o- Late Vasudeo Singh, resident of village- Bara Jairam, P.O.- Bara
Jairam, P.S.- Chiraiya, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
3. The Joint Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
4. The Director, Department of Panchayati Raj, Govt. of Bihar, Patna
5. The Assistant Director, Department of Panchayati Raj, Govt. of Bihar, Patna
6. The District Magistrate, East Champaran, Motihari
7. The District Panchayat Raj Officer, East Champaran, Motihari
8. Shri Sadanand Prasad, Mukhiya of Panchayat Raj- Bara Jairam, Block-
Chiraiya, District- East Champaran

.... Respondents

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Appearance :

For the Petitioner : Shri Prakash Srivastava, Adv.
For the Respondents : Mr. Anjani Kumar- AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2015

The petitioner is a resident of Bara Jairam
village, East Champaran District. The 8th respondent was
elected Mukhiya of that village. It is stated that the 8th
respondent figured as an accused in Vigilance Case
No.71/12, corresponding to Special Case No.49/12, on

the file of Special Judge, North, Patna. This writ petition is filed in public interest, with a prayer to direct respondents 2 and 3 to take action against the 8th respondent in terms of Section-18(5) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Act).

Heard Shri Prakash Srivastava, learned counsel for the petitioner, and Shri Anjani Kumar, learned counsel for the respondents.

It may be true that the 8th respondent figured as an accused in a vigilance case. However, the occasion to take action of removal from the office of Mukhiya under Section-18(5) of the Act would arise only if he absconded for a period of six months after registration of the case. It is not even alleged that the 8th respondent has been absconding after the case was instituted against him. Therefore, the question of his removal under Section-18(5) of the Act does not arise. It is a different matter that if respondents 2 and 3 find any other ground to proceed against him, it is always open to them.

The writ petition is dismissed as devoid of any merits.

Interlocutory application, if any, stands

disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
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