

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23915 of 2013

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1. Smt. Raj Kumari Devi W/O Dhaneshwar Yadav Mukhiya Of Grampanchayat Pali, P.S- Kawakole, District- Nawada
 2. Ranjeet Choudhary S/O Late Ganpat Chaudhary Resident Of Village- Beldariya, P.S- Kawakole, District- Nawada Who Is The President Of Vdayalaya Siksha Samiti As Well As Ward Member Of Ward No. 5 Pali Grampanchayat (At Place Of School), P.S- Kawakole, District- Nawada.
 3. Brahmdeo Chauhan S/O Late Jaddu Chaudhary Resident Of Village- Beldariya, P.S- Kawakole, District- Nawada.

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Principal Secretary, H.R.D Bihar, Patna.
2. The District Collector, Nawada
3. The District Program Officer, Nawada
4. The Block Development Officer, Kawakole, Nawada
5. The Block Education Officer, Kawakole Block, Nawada.
6. Raj Kumar Prasad, The Secretary/ Coordinator, Sankul, Gram Panchayat Pali, P.S- Kawakole, District- Nawada.
7. Alakh Niranjana Yadav S/O Late Baso Yadav Resident Of Village- Brahmbag, P.S- Kawakole, District- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DURGESH NANDAN
Mrs. Kiran Sinha
Mrs. Manisha Prakash

For the Respondent/s : Mr. AJAY

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 21-07-2016

Heard the counsel for the petitioners and AC to GP-12 for the State.

Initially the three petitioners are the Mukhiya, the President of Vidyalaya Shiksha Samiti and the co-villager, respectively. Initially, the writ application was presented as public interest litigation. Under the orders of the Court, it was converted into a writ petition.

On going through the writ petition, it appears that an objection is being raised to the payment of honorarium to respondent no.7 under the order of

the Panchayat Secretary of the Gram Panchayat. It is submitted that respondent no.7 is an absentee from the job since several days/months. The petitioner, therefore, seeks disciplinary action against respondent no.7. Under Rule 15 (Chha) of Bihar Panchayat Prarambhik Shikshak (Niyojan Shart) Niyamawali, 2012, any such action can be taken against respondent no.7 by the Secretary of the Niyojan Ikai (Employment Unit). It has been submitted that the Gram Panchayat is the Employment Unit of such teacher.

If that be the case, then petitioner no.1 being Mukhiya of the Employment Unit can take such a proceeding for the misconduct of respondent no.7 in accordance with the rule-provision.

The writ application in the aforesaid circumstances merits to be disposed as the petitioner no.1 herself is entitled to take remedial steps/action against respondent no.7.

I order accordingly.

(Kishore Kumar Mandal, J)

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