

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1629 of 2016

Pratibha Devi, wife of Sri Kishore Kumar Giri, resident of village - Seuri,
P.O. Patar, P.S. Asaon, District - Siwan, presently Pramukh of Block
Panchayat Samiti, Andar, District – Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. Principal Secretary, Panchayati Raj, Department, Government of Bihar, Patna.
4. The Director, Panchayati Raj, Department, Government of Bihar, Patna.
5. The Divisional Commissioner, Saran at Chapra.
6. The District Magistrate, Siwan, District- Siwan.
7. The District Panchayat Raj Officer, Siwan, District- Siwan.
8. The Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Andar, District – Siwan.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam
Ms. Anita Kumari

For the Respondent/s : Mr. Harish Kumar, GP-32

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-01-2016 Heard Mr. S.B.K. Manglam, learned counsel

appearing for the petitioner and Mr. Harish Kumar, learned

Government Pleader No.32 for the State.

It is the grievance of the petitioner who happens to be
the Pramukh of Block Panchayati Samiti, Andar in the district of
Siwan that the Block Development Officer, Andar who also is
the Executive Officer of the Block Panchayat Samiti has usurped
the jurisdiction vested in the Block Education Appointment
Committee of which the Pramukh happens to be the Chairman



and even though the Executive Officer is a Member of the Committee along with other representatives, he has also proceeded to issue order of transfer of teachers which jurisdiction entirely vests in the Committee under the Bihar Panchayat Elementary Teachers (Appointment and Service Conditions) Rules, 2006 framed vide notification dated 1.7.2006 placed at Annexure-9. He submits that the limitation to the exercise of jurisdiction by the Executive Officer is well prescribed in section 61 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') which also restricts his jurisdiction.

It is the argument of Mr. Manglam that the Executive Officer is posted with no independent jurisdiction rather he is only a functionary appointed by the State Government to carry out the purposes of 'the Act'. There are other allegations regarding acts of omission and commission against this Executive Officer which has been referred to by Mr. Manglam but considering the nature of dispute raised herein as well as the fact that the complaint made by the petitioner before the District Magistrate, Siwan, a copy of which is placed at Annexure-2 in my opinion, is non-descriptive, I deem it fit and proper to dispose of this writ petition with a liberty to the petitioner to file

a comprehensive application before the District Magistrate, Siwan, along with the supportive documents explaining the jurisdictional infraction committed by the Block Development Officer in discharge of his duty as Executive Officer, Panchayat Samiti, Andar and which representation of the petitioner would be considered and disposed of by the District Magistrate in accordance with law after giving an opportunity of hearing to the petitioner as well as the Executive Officer and considering the nature of grievance an expeditious disposal preferably within a period of three months from the date of receipt/production of a copy of this order would be appreciated.

(Jyoti Saran, J)

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