

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3764 of 2014

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1. Ram Thakur Vice Mukhiya Son Of Jhallu Thakur Resident Of Village-
Mahisar, P.S.- Singhwara, District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary Panchayat Raj Biwag,
Govt. Of Bihar, Patna
2. The Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Darbhanga
4. The District Development Commissioner Cum Chief Executive Officer,
District- Darbhanga
5. The Block Development Officer, Singhwara
6. The Panchayat Secretary, Arvind Prasad Presently Posted As Hayaghat
As Revenue Karmchari
7. The Then Mukhiya Mrs. Kauser Praveen, Wife Of Md. Wasiullah R/O
Bhapura, P.S.- Sighwara, District Darbhanga
8. Rajayul Haque Son Of Zayul Haque R/O Bhapura, P.S.- Sighwara,
District Darbhanga
9. Ram Ganesh Choupal Son Of Asharfi Choupal R/O Mahisar, P.S.-
Singhwara, District- Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Respondent/s : Mr. Tej Bahadur Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 26-09-2016

Heard the Counsel for the petitioner and the State.

In the capacity of Up-mukhiya of Bhawanipur Panchayat within Singhwara Block in the district of Darbhanga, the petitioner has filed the application for commanding the respondents to direct any enquiry into the allegation of having embezzled government fund by the private respondents including respondent no. 6 in the light of the orders passed on his representation by the Divisional Commissioner (Annexure-2) as well as the Deputy Divisional Commissioner-cum-Chief



Executive Officer, District Board, Darbhanga (Annexure-3). It is alleged that in the execution of the scheme, the government fund under BRGF head and 13th Finance Commission have been embezzled by the respondents inasmuch as huge amount has been withdrawn in the name of construction of Anganwari Centre. The Divisional Commissioner on his representation forwarded the application to the Deputy Development Commissioner for needful action. The Deputy Development Commissioner, in his turn, directed the Block Development Officer, Singhwara to inquire into the matter. As nothing substantial was being done thereafter, he preferred the writ application.

A counter affidavit is filed on behalf of the State respondent(s). It is stated that on making preliminary enquiry, it was found that there was some financial irregularity was committed and, as such, the respondent Panchayat Secretary has been proceeded against departmentally in as much as Form-Ka (charge memo) has been framed and the departmental proceeding is in progress.

Having considered the statements made in the counter affidavit and after hearing both sides, it appears, the respondents have taken steps in the matter. There is no need to direct any further action as the respondents have taken steps

against the erring officials. If there is embezzlement and/or misappropriation of the government fund, it will be open to the respondents to file appropriate criminal proceeding against the concerned erring officials.

The proceeding is consigned.

(Kishore Kumar Mandal, J)

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