

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2922 of 2013

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1. Shambhu Kumar Mishra@ Shambhu Kumar S/O Late Yogendra Nath Mishra
resident of Lalu Chapra, P.S.-Paroo District-Muzaffapur as a Chairman Para Legal
Volunteers'Cell, Distt-Muzaffapur

2. Sanjit Kumar S/O Sri Kapil Dev Ram R/O Vill-Maghua, P.O.-Morsandi, P.S.-
Motipur, Distt-Muzaffapur As A Treasurer Of Para Legal Volunteers'Cell, Distt-
Muzaffapur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Old
Secretariat, Patna

2. The District Magistrate Cum Vice Chairman District Legal Service Authority,
Muzaffapur, Distt-Muzaffapur

3. The Secretary, District Legal Service Authority, Muzaffapur

4. The Bihar State Legal Services, Buddha Marg, Patna, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Tripathy, Advocate

For the Respondent/s : Mr. Manoj Kr. Ambastha, SC-26
Mr. Subodh Kumar, AC to SC-26

For the Legal Services Mr. Pushkar Narain Sahi, AAG-6
Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-08-2016

The application has been filed by the petitioners for
giving direction to make payment of honorarium / salaries / stipend
to the petitioners as they have been working as Para-legal
Volunteers since December, 2010 in Saraiya Gram Panchayat,
District-Muzaffapur.

Under the Legal Service Authority Act, there is a
provision for taking services from Para Legal Volunteers and at the

relevant time in the old scheme before the enforcement of new scheme, the Mukhiya and the District Magistrate were competent to nominate the person as Para-legal Services Volunteers.

As per the counter affidavit, there is no dispute that they were nominated by the Mukhiya as Para Legal Services Volunteers but the claim has been made that after the nomination, neither they were given any training nor were issued any identity cards and also denied that any work has been taken from these petitioners so much so that the nomination was for one year which was never extended beyond the aforesaid period and NALSA has issued the new scheme for nomination of Para Legal Volunteers vide letters dated 09.06.2011, 14.06.2011 and 20.08.2013 and earlier scheme has been accordingly superseded by the new scheme.

Learned counsel for the Legal Service Authority submits that during that period no stipend honorarium has been given to the petitioners for discharging the duty of Para Legal Services Volunteers rather the benefit would be conferred to the Para Legal Services Volunteers where their services would be taken. The claim has been made that the petitioners have not discharged the duty of Para Legal Volunteer.

The learned counsel for the petitioners submits that there is no dispute that the petitioners were nominated by the competent

authority as well as they have also functions as Para Legal Services Volunteer, in such circumstances, they cannot be deprived of the payment of honorarium which they are entitled to.

As it appears that there is a dispute of discharging the function of Para Legal Services Volunteer, this question of fact as emerged in the present case, cannot be decided in the writ proceeding. In such circumstances, the petitioners are directed to file a detailed representation, annexing the copy of this order to the Member Secretary, Bihar State Legal Services Authority, who will examine the case of the petitioners and take decision by passing a reasoned order within a period of three months from the date of filing of such representation.

With the aforesaid observations and directions, this application is disposed of.

(Shivaji Pandey, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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