

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11140 of 2016

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Mrs. Premalata Kumari, wife of Sri Mithilesh Singh, resident of Village- Budhaul,
P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Panchayati Raj Department, Bihar.
2. The Secretary, Panchayati Raj Department, Vikas Bhawan, New Secretariat, Patna.
3. The District Magistrate, Gaya.
4. The District Panchayati Raj Officer, Gaya.
5. The Block Development Officer, Fatehpur Block, Gaya.
6. The Block Panchayati Raj Officer, Fatehpur Block, Gaya.
7. The Sarpanch, Mataso Gram Panchayat, Fatehpur Block, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Respondent/s : Mr. Rakesh Ambashtha, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-11-2017

Heard the parties.

The petitioner was appointed as a Secretary, Gram Kutchery, Mataso, under Fatehpur Block in the district of Gaya under the orders of the District Magistrate, Gaya as communicated by the District Panchayat Raj Officer, Gaya in his letter dated 17.11.2009, a copy of which is present at Annexure 1 to the writ petition. For some dispute arising a formal appointment order was issued two years thereafter on 22.9.2011 by the Sarpanch, Gram Kutchery, Mataso at Annexure 2.

According to the petitioner, she has been removed from the post under oral direction of the Sarpanch on 14.2.2015. Such is the statement made in paragraph 7 of the writ petition, although a



representation filed in this regard before the District Magistrate, Gaya at Annexure 4 does not give any specific date.

Be that as it may, the appointment of the petitioner stands supported under the direction of the District Magistrate, Gaya at Annexure 1 resulting in appointment order at Annexure 2 and once an appointment order has been issued, if the petitioner has to be removed it has to be in accordance with law and cannot be done by oral order of the authority.

Since the petitioner has already represented before the District Magistrate, Gaya in this regard while also complaining non-payment of honorarium admissible to her, I deem it proper to direct the District Magistrate, Gaya to consider the grievance of the petitioner regarding her oral termination as well as non-payment of honorarium as pleaded in her representation contained in Annexure 4 to the writ petition and pass appropriate order in accordance with law within a period of six weeks from the date of receipt/production of a copy of this judgment.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09-12-2017
Transmission Date	NA

