

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13628 of 2014

1. Virendra Kumar Sinha, Son of Ram Chandra Singh Resident of Village- Ekwari, P.S.- Sahar, District- Bhojpur, Panchayat Secretary Piro.
2. Kiran Prasad Son of Saudagar Ram Resident of Village- Maledumra, P.S.- Muffasil Ara, District- Bhojpur, presently posted as Panchayat Sachiv Piro Block.
3. Jai Nandan Prasad Son of Janki Prasad resident of Village Rupaich, P.S.- Mahedia, District- Arwal, presently posted as Revenue Karmchari in Sandesh Block.
4. Suresh Kumar Son of Sri Ram Nath Prasad posted as Revenne Karmchari near Bangla Godana road, Ara, P.S.- Navada Ara, presently posted as Panchayat Sachiv, Piro.
5. Manoj Kumar Singh Son of Late Ram Dev Singh resident of Village- Kurmuri, P.S.- Sikrahta, presently posted as Revnue Karmchari, Ara Circle.
6. Uttam Singh Son of Yamuna Singh resident of Village- Devrahi, P.S.- Muffasil, posted as Panchayat Sachiv Piro Block, District- Bhojpur.
7. Surendra Rai Son of Late Saukar Rai, resident of village- Bardihan, P.S.- Charpokhri Bhojpur, presently posted as Panchayat Sachiv Piro.
8. Laxman Singh son of Vishav Nath Singh resident of village- Ettaur, P.S.- Charpokhri, District- Bhojpur, presently posted as Panchayat Sachiv Bidiya Block.
9. Baban Prasad Son of Duli Prasad Resident of Village- Harnath Kundi, P.S.- Udwant Nagar Posted as Panchayat Sachiv Ara Block.
10. Raj Kishore Pandey son of Ram Dayal Pandey resident of village- Panditpur, P.S.- Barahara, posted as Panchayat Sachiv Bahara Block.
11. Sri Narayan Ram Son of Ram Sevak Ram resident of village- Balua, P.S.- Charpokhri posted as Panchayat Sachiv Piro.
12. Bikramaditya Singh Son of Late Suderson Singh resident of village- Phuladi, P.S.- Sundesh, Posted as Panchayat Sachiv Piro Block.
13. Birendra Prasad Singh Son of Majetor Singh resident of Village- Balua, P.S.- Muffasil Ara, District- Bhojpur, Posted as Panchayat Sachiv Piro Block.
14. Ram Chandra Prasad Son of Ram Nath Ram resident of village- Udwant Nagar, P.S.- Gajrajganj, District- Bhojpur, posted as Panchayat Sachiv Bihiya Block.
15. Yogendra Singh Son of Late Ram Kripal Singh resident of Village- Mothi, P.S.- Piro, District- Bhojpur, Posted as Panchayat Sachiv Agiaon, Block.
16. Raj Kishore Singh Son of Ram Lakhan resident of village- Osshai, P.S.- Shahpur, District- Bhojpur presently posted as Panchayat Sachiv Sahpur Block.
17. Ram Ganesh Ojha Son of Late Sita Ram Ojha resident of village- Paherpur, P.s.- Bihiya, District- Bhojpur posted as Panchayat Sachiv Bihiya Block.
18. Vijay Bahadur Tiwari Son of Late Ram Prasad Tiwari resident of Village- Varisawan, P.S.- Sahpur, posted as Panchayat Sachiv, Piro Block.
19. Uma Shanker Sahu Son of Dev Kishun Saha resident of village- Agiaon, P.S.- Agiaon, District- Bhojpur, posted as Panchayat Sachiv Ara Block.
20. Shivji Prasad Singh Son of Shivjeet Singh resident of village- Baruna, P.S.- Narayanpur, Posted as Panchayat Sachiv Garhani Block Bhojpur.
21. Siya Ram Rai Son of Ram Singhason Rai resident of village- Sundarapur, P.S.- Bihiya, District- Bhojpur posted as Panchayat Sachiv Garhani Block.
22. Ram Chandra Ram Son of Late Ganesh Ram resident of village- Sikria, P.S.- Tiyar, District- Bhojpur, presently posted as Panchayat Sachiv Sandesh Block.



23. Ram Ayodhya Ram Son of Ram Vachan Ram Resident of Barki Khraon, District Bhojpur, posted as Panchayat Sachiv Sandesh Block.
24. Akhileshwar Kumar Singh Son of Late Dev Dhari Singh resident of village-Eitaur, P.S.- Charpokhari, District- Bhojpur, Posted as Panchayat Garhari Block.
25. Narendra Sharma Son of Late Vanwari Sharma resident of Village- Pirhap, P.S.- Sahar Posted as Panchayat Sachiv Sahpur Block.
26. Rajendra Pradesh Singh Son of Late Uday Nath Singh resident of Village- Khajuria, P.S.- Muffasil Ara formerly Panchayat Sachiv.
27. Rangnath Singh son of Late Indra Dev Singh resident of village- Sarthua, P.S.- Udwantpur Nagar posted as Panchayat Sachiv Tarari Block.
28. Ram Lal Singh Son of Shublal Singh resident of village- Morekhand, P.S.- Pusa, District- Samastipur, posted as Panchayat Sachiv Revenue Karmchari Ara Block Sahpur.
29. Lalan Singh Son of Late Jagdish Singh resident of village- Berath, P.S.- Chauri, District- Bhojpur presently posted as Panchayat Sachiv Bihiya Block.
30. Serveswar Tiwari Son of Late Ramashish Tiwari resident of Village- Budhghat, P.S.- Sahpur retired Panchayat Sachiv Agiaon.

.... Petitioner/s

Versus

1. The State of Bihar, through the chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The Deputy Development Officer cum Chief Executive Officer, Zila Parishad, Bhojpur Ara.
6. The All Block Development Officer, Bhojpur, Ara.
7. The Superintendent of Police (S.P), Bhojpur, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Respondent/s : Mr. Sunil Kumar, AC To GA-12

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-02-2017

Heard learned counsel for the parties.

The petitioners are aggrieved by order dated 11.02.2014, by which the District Magistrate, Bhojpur had directed for recovery from them of the amount spent on solar light, failing which F.I.R. was to be instituted.



From the materials on record, it transpires that the petitioners were given ample opportunity to make good the amount, which has been spent on such solar light and them having failed, an F.I.R. has been instituted and certificate proceeding for recovery of the amount has also been initiated.

In view of the aforesaid, in the opinion of the Court, no positive order can be passed in favour of the petitioners. However, they are at liberty to assail the criminal as well as the Certificate Proceeding on their own merits, in accordance with law, before the appropriate forum, at the appropriate stage.

It goes without saying that the same shall be decided without being prejudiced by the present order. It is made clear that this Court has not expressed any opinion with regard to the merits of the matter.

Accordingly, the writ petition stands disposed off with the aforesaid observations.

(Ahsanuddin Amanullah, J)

P. Kumar

AFR/NAFR	
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