

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16197 of 2011**

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1. Janeshwar Singh Son Of Sri Raj Bansh Singh Resident Of Village Rupeepur,  
P.O.- Rupahatha, P.S. Nokha, District- Rohtas

.... .... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Rural Development Department,  
Government Of Bihar, Bihar, Patna
2. The District Magistrate, Rohtas, District- Rohtas
3. The Block Development Officer, Nokha, District- Rohtas
4. The Sarpanch, Hathini Gram Kutchery, Block Nokha, District- Rohtas

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. AJAY KUMAR SINGH

For the Respondent/s : Mr. S. Rahman, AC to G.P. 24

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL JUDGMENT**

**Date: 08-04-2017**

Heard learned counsels for the parties.

The present writ application has been filed for issuance of a writ commanding the respondents, particularly respondent no. 4 the Sarpanch, Hathini Gram Kutchery under Nokha block in the district of Rohtas to allow the petitioner to join on the post of Nyay Mitra and further for a direction to make payment of salary/wages to the petitioner.

The factual matrix of the case is that the petitioner being a law graduate, applied for being selected on the post of Nyay Mitra in Hathini Gram Kutchery on 6.8.2007. Subsequently,



on 1.10.2007 counselling was held for making selection for the appointment of Nyay Mitra in Gram Kutchery, Hathini on contractual basis. The petitioner also appeared at the counseling. The petitioner was finally selected for appointment on the post of Nyay Mitra in Hathini Gram Kutchery and consequently, respondent no. 4, Sarpanch, Hathini Gram Kutchery, vide letter dated 8.3.2008 issued Schedule II stipulating therein that the petitioner's selection has been made as Nyay Mitra and if the petitioner accepts the offer then he has to submit his consent in prescribed proforma to give joining within ten days of the issuance of the letter as contained in Annexure 2. The petitioner submitted his consent in Schedule III as contained in Annexure 3 on 11.3.2008 but thereafter the petitioner was not allowed to join by the respondent no. 4, Sarpanch, Hathini Gram Kutchery. Thereafter, the petitioner filed representation (Annexure 4) before the respondent no. 3 Block Development Officer, Nokha on 13.3.2008.

It is submitted by learned counsel for the petitioner that now the petitioner has been allowed to join on the post of Nyay Mitra on 21.4.2016 though no document to that effect has been brought on record. Hence, the counsel for the petitioner



confines his payer only for the payment of contract amount.

It appears that the writ application has been filed in 2011 and a co-ordinate bench of this court vide order dated 15.11.2011 issued notice to respondent no. 4, in the meantime, learned counsel for the State was directed to seek instruction from the Block Development officer, Nokha and file counter affidavit. Subsequently, a Co-ordinate Bench of this court vide order dated 31.3.2016 issued fresh notice to respondent no. 4 and directed the learned State counsel to obtain instruction and file counter affidavit.

The office note dated 30.11.2016 reflects that notice issued to respondent no. 4 has been validly served but none has entered appearance on behalf of respondent no. 4. Hence notices issued to respondent no. 4 is deemed to be validly served. However, the State has also chosen not to file any counter affidavit.

In the circumstances, this Court is constrained to dispose of the writ application with a direction to the respondent authorities particularly respondent no. 4 to make payment of contract amount of the petitioner which is permissible under Bihar Gram Kutchery Nyay Mitra (Employment, Service Condition and



Duty) Rules, 2007 within a period of three months from the date of receipt/production of a copy of this order.

Accordingly, this writ application stands disposed of.

**(Dinesh Kumar Singh, J)**

Anil/-

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| AFR/NAFR          | NAFR      |
| CAV DATE          | NA        |
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