

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8617 of 2015

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1. Sangram Kumar son of Sri Raj Kumar Singh resident of Mohalla - Shiv Nagar,
P.O./P.S./Distt. - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Bihar, Patna.
3. The Commissioner (MANREGA), Rural Development Department, Bihar, Patna.
4. The Commissioner , Magadh Division, Gaya.
5. The District Magistrate-cum-District Programme Coordinator, Nawada.
6. The D.D.C.-cum-Addl. District Programme Coordinator, Nawada.
7. Zila Parishad, Nawada, through its D.D.C.-cum-C.E.O. Zila Parishad, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Advocate
For the Respondent/s : Mr. Ashok Kumar Choudhary- AAG13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-04-2017

In this writ petition filed *pro bono*, grievance of the petitioner is that in the matter of implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) and the Scheme formulated by the Bihar Government, namely, the Bihar Rural Employment Guarantee Scheme, 2005, allotment of 20% of the fund for implementation of the scheme to Zila Parishad, Nawada has not been undertaken. As a result, the implementation of the scheme in the district of Nawada is being adversely affected.

From the records and the counter affidavit filed by the



State Government, it is seen that with regard to implementation of the scheme in the Zila Parishad in question, it is indicated that no allotment was earmarked for this district by the Rural Development Department as the officers and officials nominated to execute the work under the scheme at the Block and Panchayat levels, namely, the MNREGA Junior Engineer and the executing agency decided by the District Programme Coordinator, are not available, no Executive Engineer, Assistant Engineer or Junior Engineer are available in the district in question. It is said that due to paucity of technical hands and experts, implementation of the scheme in the Zila Parishad is being adversely affected.

Taking note of the aforesaid aspect of the matter, in the absence of there being technically authorized persons to implement the scheme, we do not deem it appropriate to issue any *mandamus* to allot the fund to the Zila Parishad in question. Instead, we direct Principal Secretary, Rural Development Department, respondent No.2, and the Commissioner MNREGA, respondent No.3, to look into the grievance of the petitioner with regard to operation of the scheme in the district of Nawada and for ensuring that the competent authorities do operate the scheme are made available and then funds are allotted for implementation of the scheme.

On a representation made by the petitioner along with



a certified copy of the present order, the authorities to take action within a reasonable period of time from the date of receipt/production of a certified copy of this order.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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