

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8826 of 2010

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Pankajesh Pran Ranjan Dwivedi S/O Diwakar Dwivedi R/O Vill.- Paterah
Mahrajganj, P.S.- Mahrajganj, Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan
3. The S.D.O., Maharajganj, Distt.- Siwan
4. The District Gram Panchayat Raj Officer, Distt.- Siwan
5. The Block Development Officer, Block- Maharajganj, Distt.- Siwan
6. The Block Panchayat Raj Officer-Cum-Nodal Officer, Block- Maharajganj, Distt.- Siwan
7. The Mukhiya Gram Panchayat Raj, Paterha, Block- Maharajganj, Distt.- Siwan
8. The Sarpanch, Gram Panchayat Raj, Paterha, Block- Maharajganj, Distt.- Siwan
9. The Secretary, Gram Panchayat Raj, Paterha, Block- Maharajganj, Distt.- Siwan
10. The Sanjay Kumar Singh S/O Shri Lalan Singh R/O Vill.- Garauli, P.O.- Ramgarh, P.S.- Maharajganj, Distt.- Siwan
11. Amrish Kumar Singh S/O Shri Rabinandan Singh R/O Vill.+P.O.- Bangra, P.S.- Maharajganj, Distt.- Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.
For the Respondent/s : Mr. Anwar Karim, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 28-02-2018

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order dated 26.2.2010 passed by the S.D.O., Maharajganj, Saran in Record Case No. II-5/2009.

It appears that an advertisement was published for appointment of Nyayamitra, the petitioner and others had applied for the said post and, after proper recruitment process, the petitioner was selected as Nyayamitra and, after delay of six months, a complaint was filed against the selection of the petitioner before the S.D.O., Maharajganj,



Saran, who passed a perfunctory order without examining the merit of the case.

From the records, it appears that the S.D.O. has based his order upon the opinion of the Government Advocate which was not served on the petitioner for his comment. Further the order, which has been passed, does not deal with the merit of the case but, ipsi dixit, the order has been passed against the petitioner.

In view of the above, the order dated 26.2.2010 passed by the S.D.O., Maharajganj, Saran is set aside and the matter is remanded back to the S.D.O., Maharajganj who will serve the enquiry report, if any lying in his file, and the petitioner will be at liberty to file his comments on the enquiry report and after hearing both the sides, the S.D.O., Maharajganj will decide the case on merit.

All the process should be completed within a period of four months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.03.2018
Transmission Date	NA

