

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9454 of 2017

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Gaya Zila Pramukh Sangh through the Convenor Nawal Kishore Singh, son of Late Ram Balak Singh, resident of Village- Tetua, P.O.- Atari, P.S.- Atari, District- Gaya, presently Pramukh of Block Panchayat Samiti, Atari, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The Joint Secretary, Panchayati Raj Department, Government of Bihar, Patna.
6. The District Magistrate, Gaya.
7. The District Panchayat Raj Officer, Gaya, District- Gaya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Dinu Kumar, Senior Advocate.
For the Respondent/s : Mr. P.N. Shahi, AAG 6.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 22-06-2018

The present Writ Application has been filed by way of a Public Interest Litigation to quash and cancel the letter dated 29.03.2017 issued under the signature of the Joint Secretary to the Government of Bihar, Panchayat Raj Department (Respondent no. 2).

2. By the impugned letter the Joint Secretary in the Department of Panchayat Raj, Government of Bihar has



communicated the Accountant General about the policy decision of the government in the light of the recommendation of the 5th State Financial Commission whereunder it is stated that 10% of the funds would be made available to the Panchayat Samitees, the grievance of the petitioner is that the 70% of the amount has been transferred to the Gram Panchayat. A further prayer has been made to direct the respondent authorities for transferring 30% of the amount of the 14th Finance Commission earmarked for the district of Gaya to different Panchayat Samitees falling under its territorial jurisdiction and 30% of MANREGA funds be also made available to different Panchayat Samitees for the district of Gaya.

3. In course of argument Mr. Dinu Kumar, learned counsel representing the petitioner, having appreciated that this Court sitting in its writ jurisdiction under Article 226 of the Constitution of India would not interfere with the policy decisions of the Government, submits that in fact even 10% of the amount which has to be provided to the Panchayat Samitees is not being transferred to the Panchayat Samitees and because of that the very existence of the Panchayat Samitees in the district of Gaya has become meaningless.

4. Learned counsel representing the State has, with reference to the response furnished in their Counter Affidavit, submits that the 5th State Finance Commission has, in its recommendation,



provided reasons and justification for the distribution of funds to Urban Local Bodies as well as Panchat Raj Institutions. In Paragraph 15 of the Counter Affidavit filed on behalf of respondents no. 3, 4 & 5 detailed reasons have been duly mentioned. As regards the claim of funds under MANREGA, the response is that MANREGA comes under the administrative jurisdiction of the Rural Development Department, Government of Bihar but this department has not been made a party respondent.

5. In the facts and circumstances, having taken note of the submissions made on behalf of the petitioner, we find that interest of justice would be served by issuing a direction that on filing of a representation along with a certified copy of this order before the District Magistrate, Gaya by the concerned Panchayat Samitee(s) for disbursement of funds earmarked for Panchayat Samitees in terms of the policy decisions of the government, the District Magistrate, Gaya shall be obliged to consider the representation of the Panchayat Samitees keeping in mind the policy decisions of the government and shall take a decision thereon within a period of three months from the date of receipt of the representation. If the District Magistrate, Gaya finds that these Panchayat Samitees are entitled to get the allocated funds as per the policy decisions of the government, the same shall be disbursed to the Panchayat Samitees within a period of one month



thereafter.

6. The Writ Application is disposed of with the observations and directions as above.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.07.2018
Transmission Date	N/A

