

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1226 of 2015

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Premlata Kumari W/o Sunil Kumar Resident of Village Shivpur, P.O. Rajauli, P.S. Rajauli, District Nawadah, At present working on the post of Nayay Sachiv, Gram Kutchahari, Jogia Maran, District Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, New Secretariat, Patna.
2. The Director, Directorate of Panchayati Raj, New Secretariate, Patna.
3. The District Officer, Nawadah.
4. The District Panchayat Raj Officer, Nawadah.
5. The Block Development Officer, Rajauli, Nawadah.
6. The Block Panchayat Raj Officer, Rajauli, Nawadah.
7. Mr. Bhola Choudhary S/o Hemraj Choudhary Resident of Village Bhaji Bhatta, P.S. Rajauli, District Nawadah, At present the Sarpanch, Gram Kutchahari, Jogiamaran, District Nawadah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Sanjay Kumar Sinha, Advocate
For the S t a t e : Mr Vinay Kumar Mishra, AC to AAG XV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-04-2018

Heard learned counsel for the petitioner and the respondent-State.

2 The petitioner has approached this Court being aggrieved by non-payment of her honorarium in respect of the duties discharged by her on the post of Gram Kutchahary Sachiv/Nayay Sachiv of Gram Kutchahary Jogia Maran. It is submitted that after she joined the duties on 10.12.2011, she was paid honorarium up to March, 2013. Thereafter, the same has been stopped without any



rhyme and reason.

3 Counter affidavit has been filed on behalf of respondent No 1. The counter affidavit suggests that there was infirmity in the process of selection in respect of the petitioner. Respondent No 1 has directed the District Magistrate, Nawada to enquire into the issue regarding the petitioner's claim for honorarium and also to ascertain who is responsible for continuance of the petitioner as Gram Kutchahary Sachiv after lapse of her term. The District Magistrate, Nawada has also been directed to file an affidavit in the instant case after examining the claim of the instant petitioner. In spite of such specific direction to the District Magistrate by respondent No 1 as far back as in 28.07.2015, no counter affidavit has been filed by the District Magistrate, Nawada.

4 Learned counsel for the petitioner submits that the petitioner's claim is covered by the judgment of this Court passed in *CWJC No 326 of 2015* which is Annexure 10 to the supplementary affidavit filed on behalf of the petitioner.

5 In light of the said submissions, this Court does not consider it appropriate to keep the writ petition pending since the issue regarding the petitioner's continuity to discharge her duties as Gram Panchayat Sachiv/Nayay Sachiv has to be examined by the District Magistrate, Nawada. If it is found that the petitioner is



continuing to discharge her duties, then she would be entitled to payment of honorarium in light of the order passed by this Court in the case of other similarly situated *Soni Parveen & Another (CWJC No 326 of 2015)* and in the event, if it is found that the selection or continuance of the petitioner was owing to illegal exercise of jurisdiction by any authority, it will be open to the respondent-State to realize the amount from the officer responsible. Since the authorities have extracted duties on the fixed contractual honorarium, she must be paid her dues, till removed in accordance with law.

6 Let the entire exercise be completed by the District Magistrate, Nawada within a period of eight weeks from the date of receipt/production of a copy of this order.

7 The writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2018
Transmission Date	NA

