

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13764 of 2010

Toni Kumari D/O Shri Dukhan Pandit R/O Vill Rampur, P.S. Gogari,
P.O.Gogari, Jamalpur, Distt-Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Panchayat Raj Bihar, Patna
3. The District Magistrate Khagaria
4. The Chairman, District Board Khagaria
5. The D.D.C. cum Chief Executive Officer, Khagaria.
6. The District Panchayat Raj Officer Khagaria
7. The Sub-Divisional Magistrate Khagaria
8. The Block Development Officer, Cum Nodel Officer Gogari, Block, Distt-Khagaria
9. Sabita Devi , Sarpanch, Gram Kachahari Raj Rampur, Gogari, Block, Distt-Khagaria
10. Rajni Kumari Sinha W/O Sri Amar Pd.Sinha R/O Vill Fatehpur (Rampur), P.S.Jamalpur, Distt-Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar No.1, Adv.
For the Respondent/s	:	Mr. (GP22)
For the Resp. No.9	:	Mr. Shabhir Ahmad, Adv.
		Mr. Shambhu Sharan Singh, Adv.
For the Resp. 4 & 5	:	Mr. Nikesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 04-04-2018

Heard learned counsel for the parties.

In the present case, the petitioner has applied for the post of Secretary to Gram Kachahari in the Rampur Gram Panchayat, Khagaria.

Learned counsel for the petitioner submits that the petitioner had filed a complaint before the Nodal Officer cum Block Development Officer, Gogari, Khagaria which was referred to the S.D.O. but, no action has been taken by the S.D.O.

If any person being aggrieved and dissatisfied with the action of the authority, he/she has a right to raise a complaint to the S.D.O. under Rule 12 of the Bihar Gram Kutchery Secretary (Employment, Service Condition and Duties) Rules, 2007.



Admittedly no complaint has been filed before the S.D.O. though a complaint has been filed before the Block Development Officer.

Let the petitioner should file proper complaint before the S.D.O. who will examine the case of the petitioner and take decision in terms of law within a period of two months from the date of filing of the application.

As the petitioner has made a complaint before the Block Development Officer which was referred to the S.D.O., neither the B.D.O. nor the S.D.O. has taken any action in pursuance of the complaint received by the office. In such a situation, the application filed by the petitioner will not be dismissed on account of limitation but, will be decided on its merit.

It is also made clear that if such a complaint is filed and the S.D.O. takes cognizance, he will be under obligation to give an opportunity of hearing to the parties and only thereafter he will have a liberty to pass any reasoned order in accordance with law.

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

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.04.2018
Transmission Date	NA

