

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4006 of 2016

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Ayodhiya Paswan, Son of Late Lakhan Paswan, Ro village-Kamla Manjhaul-I,
P.S.-Cheriya Bariyarpur, District-Begusarai.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Director, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Magistrate, Begusarai.
6. The District Panchayati Raj Officer, Begusarai.
7. The District Education Officer, Begusarai.
8. The Block Development Officer, Cheriya Bariyarpur Block, Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Respondent/s : Mr. Manikant Mishra, GP-25

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-07-2018

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

2. This writ petition has been filed by the petitioner
for setting aside the order dated 21.01.2016 passed by the
respondent no.2 by which the petitioner has been removed from the



post of Mukhiya of Gram Panchayat Raj, Manjhaul-1, Block-Cheriya Bariyarpur, District-Begusarai. The petitioner has also prayed to direct the respondents to reinstate him on the post of Mukhiya of the concerned Gram Panchayat with effect from 21.01.2016.

3. Learned counsel for the petitioner submitted that the order impugned has been passed against the petitioner in violation of the principle of natural justice as opportunity of hearing was not provided to the petitioner.

4. From perusal of the record, it would appear that the petitioner was removed from the post of Mukhiya of Gram Panchayat Raj, Manjhaul by the Principal Secretary of Panchayati Raj Department, Government of Bihar on the basis of inquiry report of the Collector, Begusarai in exercise of powers conferred under Section 18 (5) of the Bihar Panchayati Raj Act, 2006 (for short 'the Act') after a show cause notice containing charges together with relevant documents and evidence being relied upon by the department was issued to him on 20th July, 2015. The petitioner filed his reply to the said show cause notice. After receipt of the reply, the District Magistrate, Begusarai submitted a report dated 28.10.2015 stating therein that the petitioner being the Chairman of the Selection Committee under the selection guidelines of



Panchayat teacher was primarily responsible in making illegal appointments. After taking into consideration the report of the District Magistrate, the petitioner was provided with further opportunity to present his case along with relevant material and evidences. However, no material was presented by the petitioner and, as such, the matter was finally heard on 04.12.2015 and after considering the materials available on record as well as relevant documents, reports and guidelines, the Principal Secretary, Panchayati Raj Department, Bihar passed a reasoned order holding that the petitioner while discharging his duties as Mukhiya disobeyed the direction of this Court as well as tribunal established by law and, as such, recommendation was made to remove him under Section 18(5) of the Act. Thereafter, on getting approval of the State Government, order of removal of the petitioner under Section 18(5) of the Act was passed and communicated to the petitioner.

5. I find that there is no violation of the principle of natural justice. Adequate opportunity was granted to the petitioner to defend the charges and since the charges were proved, he has been removed from the post of Mukhiya.

6. In view of the above discussion, I see no merit in this writ petition.



7. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2018
Transmission Date	NA

