

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5328 of 2015

=====

Smt. Veena Devi W/o Yogendra Prasad, resident of Village+P.O-Sonhuli, P.S.-
Obra, District: Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Aurangabad.
3. The Block Programme Officer, Obra, Aurangabad.
4. Sub-divisional Officer, Aurangabad.
5. The Deputy Development Commissioner cum Chief Executive Officer, District Rural Development Agency, Aurangabad.
6. Junior Engineer, District Rural Development Agency, Aurangabad.
7. Panchayat Technical Assistant, Sonahuli Panchayat, Obra, Aurangabad.
8. Executive Engineer, MANREGA Scheme, Aurangabad.
9. Director, Accounts Administrative and Self Employment, District Rural Development Agency, Aurangabad.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent/s : Mr. Birju Prasad, GP-13
Mr. Ravi Kumar, AC to GP-13

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-06-2018

This writ petition has been filed by the petitioner for quashing the order dated 18.12.2014 issued by the Deputy Development Commissioner, Aurangabad as well as order dated 20.02.2015 issued by the Block Programme Officer by which the petitioner has been directed to deposit Rs.2,33,703/- in the account of village Panchayat Sonahuli, Obra, Aurangabad within fifteen days and further for directing the respondent-authorities not to disturb the



work.

2. It is submitted that the petitioner, who was the then Mukhiya, has taken a plea that there is no role of Mukhiya in constructing Chahaka situated in village-Ratanwar vide Scheme No.4 of 2012-13 except to pay the amount in the account of concerning labourer engaged in the construction work. He contended that the demand made from the petitioner is wholly illegal, arbitrary, unjust and unsustainable.

3. A counter affidavit has been filed on behalf of the respondent nos. 2, 3, 4, 5 and 9. In paragraph 13 of the counter affidavit, it has been stated as under:-

“13. That in the light of the application of the petitioner, again an enquiry team consisting of Director, Accounts Administration and self Employment and Executive Engineer, MANREGA, Aurangabad has been constituted vide office letter no. 680/DRDA, dated 20.05.2015 to conduct the fresh enquiry of aforesaid Scheme no. 04/12-13 and to submit enquiry report as the then Director, Accounts Administration and Self Employment has been transferred from this office and due to which they newly posted Director, Accounts Administration and the Executive Engineer, MANREGA, Aurangabad have been again directed vide letter no. 1203/DRDA, dated 10.10.2015 to get the matter enquired and pursuant to that the enquiry



report has been jointly submitted by the Director, Accounts Administration and Self Employment and Executive Engineer, MANREGA, Aurangabad vide letter no.64(MU), dated 21.02.2017 which is still under its examination for final decision”

3. Considering the stand taken by the respondents in aforesaid para 13, learned counsel for the petitioner submitted that since the matter is under consideration before the authorities, the writ petition may be disposed of with liberty to the petitioner to assail any decision which the respondents may take if that adversely affects her.

4. In view of the submission made above, the writ petition is disposed of.

5. It is made clear that in case the petitioner would be aggrieved by the final decision of the respondents pursuant to fresh enquiry, she would be at liberty to challenge the same in accordance with law.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2018
Transmission Date	NA

