

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18232 of 2017

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Nityanand Singh, Son of Late Bhagwan Singh, resident of Village- Khankulipur,
Police Station- Arwal, District- Arwal. At present Chairman Arwal Nagar Prishad,
Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna. null null
2. The Director, Nagar Palika Administration-cum- Addl. Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Dy. Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Under Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
5. The District Magistrate, Arwal, District- Arwal.
6. The Sub- Divisional Officer, Arwal, District- Arwal.
7. The Executive Officer, Nagar Parishad Arwal, District- Arwal.
8. Ramakant Kumar, Son of Sri Tribhuvan Singh, Resident of Village- Ahiyapur, P.S.+ District- Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.
Mr. Ranjeet Choubey, Adv.
For the State : Mr. Arun Kumar, A.C. to GP-1
For the Respondent No.5 : Mr. Sanjeev Nikesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 25-01-2018

The petitioner in the present writ petition is aggrieved by the show cause notice issued to him by the Principal Secretary, Urban Development and Housing Department under Section 25(5) of the Bihar Municipal Act, 2007 whereby he has been asked to submit his reply in respect of gross misconduct conducted in purchase of articles relating to different schemes of Arwal Municipality.



2. Learned counsel for the petitioner submitted that the notice issued to the petitioner is for alleged irregularity conducted in purchase of articles relating to different schemes of 2015 and since then the petitioner has already been re-elected and, thus, the Authority under the Act would have no jurisdiction to remove the petitioner from the post of Chief Councilor in respect of any misconduct relating to previous tenure.

3. Per contra, learned counsel appearing for the State submitted that the writ petition is pre-mature as no order has been passed against the petitioner till date. He submitted that the notice issued to the petitioner is not without jurisdiction and it is for the petitioner to satisfy the Authority under the Act that he cannot be removed from the post of Chief Councilor for any alleged misconduct.

4. I have heard learned counsel for the parties and perused the record.

5. Admittedly, the notice issued to the petitioner under Section 25(5) of the Bihar Municipal Act is not without jurisdiction. In the opinion of this Court, the challenge to the show cause notice issued by the Principal Secretary, Urban Development and Housing Department is pre-mature. The petitioner may file his explanation before the Authority concerned and raise all his points in order to



substantiate that he cannot be removed in exercise of power conferred under Section 25(5) of the Bihar Municipal Act.

6. The writ petition, being pre-mature, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29-01-2018
Transmission Date	

