

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.226 of 2019

In
Civil Writ Jurisdiction Case No.12154 of 2018

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Md. Galib Raza Gulam Jilani Resident of Village- Belari, P.O.- Belari, Police Station- Shambhuganj Belari, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Amrit Lal Mina, the Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna
2. Amrit Lal Mina, The Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna
3. Arvind Choudhary, The Principal Secretary, Rural Development Departmet, Govt. of Bihar, Patna
4. Kundan Kumar, The District Magistrate, Banka
5. Surendra Rai, The District Panchayat Raj Officer, District- Banka
6. Abhilasa Kumari Sharma, The Deputy Development Commissioner, Banka
7. Rameshwar Das, The Programming Officer, Shambhuganj, Banka
8. Surendra Prasad, The Block Development Officer, Shambhuganj, Banka
9. Sri Kant Sinha not known The Panchayat Secretary, Gram Panchayat Chutiya Belari, Block- Shambhuganj, District- Banka
10. Ravi Shankar Kumar Singh not known Panchayat Rozgar Sewak, Gram Panchayat Chutiya Belari, Block- Shambhuganj, District- Banka
11. Bibi Farzina Begum Md. Hadi Razar The Mukhiya, Gram Panchayat Chutiya Belari, Block- Shambhuganj, District- Banka
12. Ranjit Kumar Sri Sita Ram Das B.C.A. Bihar Kshetriya Gramin Bank, Shambhuganj, District- Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Opposite Party/s : Mr.Pushkar Narain Shahi (AAG 6)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 26-11-2019 Order dated 10th of July, 2018 passed in C.W.J.C.

No.12154 of 2018 (Md. Galib Raza Vs. The State of Bihar &



Ors.) in relation to which the instant proceedings for contempt stands initiated reads as under:

“Inter alia contending that there is a large scale irregularity and illegality and financial defalcations in various schemes, like PCC work, in execution of seven Nischay Yojana, MANREGA and further contending that in spite of representations submitted and certain comments received by the District Magistrate, no action is being taken, this writ petition has been filed in public interest seeking enquiry into the matter. It is also pointed that under similar circumstances when complaints were made before the Principal Secretary in the department concerned, he is taking enquiry into the matter, but in this case, no action has been taken. In support thereof, a Notification/Resolution dated 15.06.2018 is brought to our notice to say that the Principal Secretary, Panchayati Raj Department, Government of Bihar is causing enquiry into the matter.

If that be so, the petitioner may represent the matter and bring to the notice of the Principal secretary of the Department concerned the action taken by him, as is indicated hereinabove, and it would be for the Principal Secretary to consider the grievance of the petitioner and proceed in accordance with law.

That apart, in case, the petitioner has any grievance with regard to financial irregularity in execution of the MANERGA Scheme, now under the Scheme itself there is a remedy provided for enquiry into such complaints by constitution of State Level



Committee and in various public interest litigation, this Court has also relegated the aggrieved person concerned to take recourse to the remedy available under the statutory scheme, i.e. MANERGA. The petitioner is granted liberty to proceed with the irregularities in MANERGA. Under the said Scheme also, that apart, in case, the petitioner has any grievance still subsisting, he is granted liberty to file a statutory complaint before the Lokayukta organization of the State and it would be for the Lokayukta Organization to look into the grievance of the petitioner.

With the aforesaid options to be exercised and liberty granted to the petitioner, we dispose of the matter.”

The only direction which we can infer from the order is ‘consideration of the petitioner’s representation by the concerned Principal Secretary as also liberty to the petitioner to take recourse to such remedies as are otherwise available in accordance with law’.

We find that the petitioner has made representation and now the matter is pending enquiry before the District Magistrate, Banka. Even though no case of contempt is made out, but, however, considering the attending facts and circumstances, more so from the response so filed by



the State, we dispose of the present petition with the direction to the petitioner to make himself available in the office of the District Magistrate, Banka on 9.1.2020 at 10:30 a.m. whereafter we are hopeful that petitioner's representation shall be considered and decided in accordance with law.

Petition stands disposed of.

Petitioner states that liberty be granted to him to independently assail the order which may be passed by the appropriate authority.

Well, it is always petitioner's right to do so in accordance with law.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

K.C.Jha/-

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