

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17041 of 2011

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Ram Chandra Singh, son of Sri Baikunth Singh, Resident of Village-
Kariganw (Pusauli), P.O. Bhatti, P.S. Mohani, District Kaimur.

... .. Petitioner

Versus

1. The State of Bihar through its Secretary, Panchayat Raj Department, Bihar, Patna.
2. The District Magistrate, District Kaimur at Bhabhua.
3. The District Panchayat Raj Officer, District- Kaimur at Bhabhua.
4. The Sub-Divisional Officer, Mohania, District-Kaimur at Bhabhua.
5. The Block Development Officer, Mohania, District Kaimur at Bhabhua.
6. Smt. Anuj Sarpanch, Baghini Gram Kachari, resident of Village- Dasauti, P.O. Bhaghini, P.S. Mohania, District- Kaimur at Bhabhua.
7. The Sarpanch, Baghini Gram Kachari, Resident of Village- Baghini, Panchayat- Baghini, P.S. - Mohania, District- Kaimur at Bhabhua.
8. The Secretary, Baghini Gram Kachari, resident of Village- Baghini, Baghini Gram Panchayat, P.S.- Mohania, District- Kaimur at Bhabhua.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh
For the Respondent/s : Mr.Kundan Bhadur Singh SC-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 12-04-2019

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent no.8, who is the Panchayat Secretary of Gram Kachari, Baghini.

2. As per the petitioner, he was appointed as Nyaya



Mitra and gave his joining in the year 2007 and since then he is discharging the duty as Nyaya Mitra in the Gram Kachari, Baghini. The claim of the petitioner for payment of remuneration and training allowance has been rejected by the District Magistrate, Kaimur on the ground that he has not given the joining as per the law and there is no material on record to suggest that the petitioner has given any assistance as Nyaya Mitra in the Gram Kachari, Baghini.

3. Learned counsel for the petitioner submits that the finding recorded by the District Magistrate, Kaimur is completely perverse in view of the fact that the petitioner has given his joining, which was accepted by the then Sarpanch, namely, Smt. Anju Devi and has been counter signed by Ashma Begam, subsequent Sarpanch, which itself reflect that the petitioner has been working since then. He has placed reliance on the attendance register (Annexure-5) and also Annexure-12, which reflect that the petitioner has been performing the work since 2009, inasmuch as, the District Magistrate, Kaimur has also demanded fund for the payment of salary to the petitioner, but the salary has not been paid till date though the petitioner has been discharging the duty as Nyaya Mitra.

4. Learned counsel for the petitioner further submits



that respondent no.8, namely, Surendra Kumar Singh, who was holding the post of Secretary, Baghini Gram Kachari, has filed counter affidavit in the present case and supported the case of the petitioner in the sense that the petitioner has given his joining, which was accepted by the then Sarpanch and counter signed by subsequent Sarpanch.

5. Learned counsel for the petitioner has also placed reliance on Annexure-D to the counter affidavit, which shows that the petitioner has joined the post of Nyaya Mitra on 08.10.2007 and that document bears the signature of the Sarpanch of Gram Kachari, Baghini, but wrongly the District Magistrate, has recorded a finding that the petitioner has not given the joining as per the law and there is no material on record to suggest that the petitioner has given any assistance as Nyay Mitra in the Gram Kachari, Baghini, which is completely perverse.

6. Learned counsel for the State has vehemently opposed the submission of learned counsel for the State and submits that the petitioner did not work so he he is not entitled to any payment. He further submits that Anju Devi, who was holding the post of Sarpanch, in her letter, informed the Block Development Officer that the work of Gram Kachari, Baghini,



had started functioning on and from 28.08.2009 and before that neither the Kachahari was functional nor any Nyaya Mitra was present.

7. Considering the rival contentions of the parties, it appears that District Magistrate, Kaimur has failed to examine the relevant records of the case, either the said documents have not been brought to his notice or he ignored to examine the same, which are clinching evidence. Hence, the order of the District Magistrate, Kaimur, dated 12.01.2011 passed in Miscellaneous Case No. 21 of 2010-11 is quashed. The matter is remanded back to the District Magistrate, Kaimur at Bhabhua to examine the case of the petitioner afresh after examining all the records, as has been brought on record in the present writ petition, as well as the stand of respondent no.8 taken in his counter affidavit, take decision as to whether the petitioner had joined the service of Nyaya Mitra in the background of fact that there is no denial from the Sarpanch of Gram Kachahari, Baghini, that he had not joined the post of Nyaya Mitra. If it is found that the petitioner had joined the post of Nyaya Mitra and performed his duty, in such circumstance, the District Magistrate, Kaimur at Bhabhua, will be obliged to release the fund to the petitioner for the period he discharged the duty as Nyaya



Mitra as early as possible preferably within a period of 8 (eight) weeks from the date of receipt/production of a copy of this order.

8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	19.04.2019
Transmission Date	

