

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19207 of 2018

=====

Ranju Devi, Wife of Ashutosh Narayan Yadav, Resident of village Sahuri,
North Panchayat, Morar, P.S Morkahi, Block Khagaria, Dist. Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Primary Education Department, Government of Bihar, Patna
2. The Secretary, Primary Education Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger, First Appellate Authority under Bihar Right to Public Grievance Redressal
4. The District Magistrate, Khagaria
5. The District Public Grievance Redressal Officer, Khagaria
6. The District Education Officer, Khagaria
7. The Block Education Officer, Khagaria Block, Dist.- Khagaria
8. The In-charge of election for the post of Sachiv of Siksha Samiti in Middle Maktab School, Sahuri, North Panchayat, Morar, Block Khagaria, Dist- Khagaria
9. Md. Shamsad Alam, son of not known, resident of Village- Sahuri, Ward No.10, North Panchayat, Morar, P.S Morkahi, Block Khagaria, Dist. Khagaria

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.Madanjeet Kumar -Gp20

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 23-08-2019 In the present writ application only one issue is involved as whether the District Magistrate, Khagaria has any jurisdiction in the matter of Election. The District Magistrate vide letter no. 205 dated 20.01.2018 passed the order and directed the District Education Officer, Khagaria to conduct fresh election for the post of Secretary of Siksha Samiti of Middle Maktab School, Sahuri, North Panchayat, Morar, Block



Khagaria, Dist. Khagaria on the complaint of Md. Shamsad of Village Sahuri, Ward No.10, North Panchayat, Morar, P.S Morkahi, Block Khagaria, Dist. Khagaria.

The order as contained in Annexure-3 suffers from two infirmities. Firstly; violation of principles of natural justice, as only on the complaint, the District Magistrate declared the election of the petitioner bad and directed re-election without holding any enquiry. Secondly; under the scheme of law he has absolutely no jurisdiction to entertain the complaint and pass any order.

Considering the above, the Court has issued notice to respondent no.9 vide order dated 95.10.2018 and despite valid service of notice, respondent no.9 has not chosen to contest the present writ application.

Learned counsel for the State has not been able to satisfy the Court that there exist any power under the law, which authorizes the District Magistrate to pass any order in relation to election of the Secretary of Middle Maktab School, Sahuri. The power vested with the District Programme Officer.

Considering the aforesaid, letter no. 205 dated 20.01.2018 is quashed. The consequence of quashing of Annexure-3 shall follow with immediate effect.



With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

