

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14069 of 2019

-
-
1. Satish Kumar Singh, Son of Late Sushil Singh, Resident of Village- Kouriya, P.O.- Kouriya, P.S.- Bhagwanpur Hat, District- Siwan.
 2. Awadhesh Kumar, Son of Sri Paramhans Ram, Resident of Village and P.O.- Sahlour, P.S. Sarai O.P., Block- Panchrukhi, District- Siwan.
 3. Dharamnath Rai, Son of Sri Bhagrasan Rai, Resident of Village- Surpura, P.S.- Basantpur, District- Siwan.
 4. Kameshwar Prasad, Son of Sri Ramjanam Rai, Resident of Village- Amarpur, P.S. Bheldi, Block- Amnour, District- Chapra at Saran.
 5. Rizwanullah, Son of Late Md. Shamim, Resident of Village- Shiswan, Post- Bahadurpur Bazar, P.S.- Barhariya, District- Siwan.
 6. Ramraj Manjhi, Son of Sri Chandradev Manjhi, Resident of Village- Bhada Khurd, Post- Sirisiyan, P.S. Jamo Bazar, District- Siwan.
 7. Arvind Kumar Dubey, Son of Late Krishna Dubey, Resident of Village- Bhikhpur Bhagwanpur, P.S. M.H. Nagar (Hasanpura), District- Siwan.
 8. Lalbabu Prasad, Son of Late Jagman Bhagat, Resident of Village- Sheikhupura, P.S- Barhariya, District- Siwan.
 9. Shankar Ram, Son of Late Dhanraj Ram, Resident of Village- Nawtan, P.S.- Ekma, District- Chapra at Saran.
 10. Birendra Kumar Singh, Son of Late Ramayan Singh, Resident of Village- Dhanadih, P.O.- Yogiyan, P.S.- Rasulpur, Block- Ekma, District Chapra at Saran.
 11. Rajendra Shah, Son of Late Mahavir Shah, Resident of Village- Kisunbari, Post- Jagdishpur, P.S. Siswan, District- Siwan.
 12. Jitendra Kumar Mishra, Son of Late Bhola Mishra, Resident of Village- Chainpur Chamariya, P.S.- Masrakh, District- Chapra at Saran.
 13. Surendra Rai, Son of Sri Hawaldar Rai, Resident of Village- Bangara, P.S. Masrakh, District- Chapra at Saran.
 14. Sudama Ram, Son of Raghunath Ram, Resident of Village and P.O. Masrakh, District- Chapra at Saran.
 15. Ram Bihari Singh, Son of Late Muktinath Singh, Resident of Village and P.O. Bangra, P.S.- Daudpur, District- Chapra at Saran.
 16. Manoj Kumar Ram, Son of Sri Jagannath Ram, Resident of Village-



Chakrabridhi, P.S.- Bhagwanpur Hat, District- Siwan.

17. Shamsuddin Ansari, Son of Late Salim Ansari, Resident of Village- Hilsar, P.S.- Bhagwanpur Hat, District- Siwan.
18. Hridyanand Pandey, Son of Late Shankar Pandey, Resident of Village- Babana, P.O.- Kanhouli, P.S. and Block- Darauli, District- Siwan.
19. Umesh Upadhyay, Son of Late Dharamdeo Upadhyay, Resident of Village- Khendurwa, P.O.- Sohilpatti, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Director, Department of Panchayati Rai, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Respondent/s : Ms. Archana Meenakshee (GP-6)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 20-08-2019

Mr. Pramod Mishra, learned Advocate for the petitioners has submitted that the case of the petitioners is squarely covered by the order of this Court dated 05.08.2019 passed in C.W.J.C. No. 15472 of 2019, whereby it has been directed that in the event of the petitioners therein filing an application before the Director,



Panchayati Raj, Govt. of Bihar, Patna seeking consideration of their case for being appointed as Panchayat Secretaries, such application shall be disposed off in accordance with law.

2. The petitioners, in the present case, seek similar direction from this Court.

3. Before issuing any direction to the Director, Panchayati Raj, Govt. of Bihar, Patna, it is hereby clarified that this Court has not passed any order on the merits of the claim of the petitioners of C.W.J.C. No. 15472 of 2019, referred to above. Rather, the Court has been taken note of the fact that in the past, Panchayat Secretaries were appointed from the Cadre of Dalpaties, but in the year 2011, Bihar Gram Panchayat (Appointment of Secretaries, Rights and Duties) Rules, 2011 was promulgated.

4. The aforesaid fact has also been taken note of in C.W.J.C. No. 20254 of 2016, which has been disposed of by another Bench of this Court on 14.11.2017. In the aforesaid case, the claim of the petitioners for being appointed as Panchayat Secretaries was completely rejected.

5. Under the aforesaid circumstances, in case



the petitioners file a representation before the Director, Panchayati Raj, Govt. of Bihar, Patna within a period of two weeks from today, the same shall be disposed off in accordance with law, keeping in mind the directions given by this Court in C.W.J.C. No. 20254 of 2016 and C.W.J.C. No. 15472 of 2019 respectively. Such representation shall be disposed off by the concerned authority within a period of eight weeks of the receipt of such representation.

6. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.08.2019
Transmission Date	N/A

