

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14870 of 2019

Parash Nath Prasad S/o Kapil Deo Prasad R/o Village Rajepur, P.S.- Rajepur,
Dist- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Department Government of Bihar.
2. The District Magistrate, East Champaran.
3. The District Panchayati Officer, East Champaran at Motihari.
4. The Director, Panchayati Raj, Government of Bihar, Patna.
5. The Secretary, Panchayati Raj, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Respondent/s : Mr. Ajay (GA-5)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-07-2019 The petitioner seeks a direction to the respondent authorities to appoint him as *Panchayat* Secretary as he had been appointed as *Dalpati* way back in the year 1989.

From the pleadings made in the writ petition, it appears that the petitioner had gone to jail in a case of rape but ultimately stood acquitted.

It has been submitted on behalf of the petitioner that a list of such *Dalpaties* was prepared in the year 2007 from whom *Panchayat* Secretaries were to be



appointed by the concerned District Magistrates of the Districts and the name of the petitioner figures in such list.

This Court is not in a position to know whether such list was prepared with the knowledge of the authorities that the petitioner, at that time was in jail. Whether any communication was made by the petitioner to any authority under whom he was functioning that he had gone to jail is also not clear from the petition. Thus, only on the basis of the name of the petitioner figuring in the list of *Dalpaties* from whom *Panchayat* Secretaries were to be appointed, the claim of the petitioner cannot be allowed.

Mr. Dhananjay Kumar, learned advocate for the petitioner submits that he was never suspended nor was removed from service. This statement would by itself not fetch any relief to the petitioner in the absence of other necessary details.

Mr. Ajay, learned GA-5 submits that no appointments on the post of *Panchayat* Secretaries are being made today from *Dalpaties*.



Under the aforesaid circumstances, this Court is not inclined to issue any rule to the respondents. However, it will be open for the petitioner to approach the District Magistrate, East Champaran at Motihari with his grievance who shall verify the facts on receipt of such representation and shall pass a reasoned order in accordance with law within a reasonable period of time, preferably within a period of six months of the filing of such representation.

It is again made clear that no observation on merits have been passed by this Court for several reasons which have been noted in the order as also for the reason that the petitioner has approached this Court after twelve years.

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

(Ashutosh Kumar, J)

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