

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.630 of 2020

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Priti Kumari (female), aged about 25 years, wife of Lakshman Kumar, resident of Village- Pachamba, P.S.-Sirdala, District- Nawada. At present Pramukh, Sirdala Block Panchayat Samiti, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Deputy Development Commissioner, Nawada.
4. The District Panchayati Raj Officer, Nawada.
5. The Sub-Divisional Officer, Rajauli, Nawada.
6. The Executive Officer, Block Panchayat Samiti Sirdala-cum-Block Development Officer, Sirdala, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Nikesh, Advocate Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Ashok Kuamr Gupta, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-01-2020

Heard learned counsel for the petitioner and learned

AC to GP 10 for the State.

2. The petitioner has moved the Court for the following reliefs:

- I. *For issuance an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to remove the Executive Officer, Block Panchayat Samiti Sirdala, Nawada (Respondent No.6) from his post as an Executive Officer, Sirdala Block Panchayat Samiti because he is not interested in the work of Panchayat Samiti in terms of section 60 and 61 of the Bihar Panchayat*



Raj Act, 2006 (as amended).

- II. *For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to post a new Executive Officer instead of present Executive Officer for smooth functioning of the Block Panchayat Samiti, Sirdala.*
- III. *For any other relief/reliefs to which the petitioner deemed entitled into the facts and circumstances of the case.*

3. Learned counsel for the petitioner submitted that the Executive Officer (respondent no. 6) is behaving arbitrarily and is misusing his powers. It was submitted that the specific direction of the petitioner, who is the *Pramukh* of Sirdala Block Panchayat Samiti in the District of Nawada, is facing great difficulty in performing the duties due to which the work of the Panchayat is suffering. It was submitted that the respondent no. 6 is not obeying the direction of the petitioner with regard to holding of meeting of the Panchayat Samiti and on the date which is fixed by the petitioner, no meeting is called, and on the contrary, the date fixed is by the respondent No. 6 at his whim. It was submitted that even the communication of the respondent no. 6 with regard to fixing the date of the meeting as 11.01.2020 in terms of his communication dated 31.12.2019 is totally misleading and mischievous. It was submitted that falsely in such letter it has been stated that the petitioner on a letter pad had fixed such date. It was submitted that the same is



categorically denied. Learned counsel submitted that he has filed petition before the Principal Secretary, Panchayati Raj Department, Government of Bihar as well as the District Magistrate, Nawada with regard to her grievances but the same has not been acted upon. It was further submitted that various schemes, which were never passed by the Gram Sabha, have been shown to have been passed, which is a grave and serious illegality committed by the respondent no. 6.

4. Learned counsel for the State fairly submitted that the authorities are required to look into the matter.

5. Having regard to the aforesaid, the Court finds that the matter has to be first looked into by the district authorities as an enquiry is required to be conducted on the factual aspects.

6. Accordingly, the writ petition stands disposed off with liberty to the petitioner to file a detailed representation before the District Magistrate, Nawada (respondent no. 2). If the petitioner files the same within three weeks from today giving details of all the irregularities and non-cooperative conduct of the respondent no. 6, the respondent no. 2 shall get the same enquired into by a senior officer in the district, who is unconnected with the respondent no. 6. The same shall be done within one month from the date of submission of the



representation by the petitioner. Depending upon the facts, which emerge from such enquiry, the respondent no. 2 shall ensure that followup action is taken by the authorities concerned including the Principal Secretary, Panchayati Raj Department, Government of Bihar. The said followup action shall also be taken, in accordance with law without any delay. The petitioner shall also serve a copy of the order on the Principal Secretary of the Department.

(Ahsanuddin Amanullah, J)

J. Alam/-

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