

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17927 of 2018

1. Ujjawal Kumar S/o Brajesh Kumar Chaubey, Resident of Village- Inarwarba, Near Brahmasathan, Jogia, District- West Champaran.
2. Ghalib Kaleem, S/o Dr. K.M. Jan R/o Flat No. 105, Silver Nargis Residency Khajpura, Shiv Mandir, Bailey Road, Rukunpura, Patna.

... .. Petitioners.

Versus

1. The State Of Bihar, through the Chief Secretary, Bihar.
2. The Principal Secretary, Department of Rural Development, Bihar.
3. The Principal Secretary, Department of Social Welfare, Bihar.

... .. Respondents.

Appearance :

For the Petitioner/s : Ms.Alka Verma, Advocate

For the Respondent/s : Mr.Anjani Kumar -AAG4

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-12-2020

Petitioner has prayed for the following relief(s):-

“That the petitioners have filed a present Public Interest Litigation for a direction to the respondent for appointing the director of the Social Audit Society and for making the Social Audit Society fully functional so that the social audit of MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Scheme) as well as social Audit of other welfare Schemes may be



conducted periodically as per the direction of the State Government and to fructify the objective of the Social Audit Society in doing continuous public vigilance in order to ensure accountability in the implementation of the projects, laws and policies of MGNREGA and other welfare schemes and for any other relief/reliefs, direction/directions as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the respondent no. 3 to consider and decide the representation, which shall be filed by the petitioner within a period of four weeks.

Learned counsel for the respondents states that if such representation is filed with the time aforesaid, respondent no. 3 namely, the Principal Secretary, Department of Social Welfare, Bihar shall personally examine and decide the same in accordance with law expeditiously and positively within a period of two months from the date of receipt of such representation along with a copy of this order.

No other submission is made on behalf of the parties.

In view of the undertaking given by the learned



counsel for the State, petition is disposed of directing respondent no. 3 namely, the Principal Secretary, Department of Social Welfare, Bihar to personally examine and decide the representation in accordance with law expeditiously and positively within a period of two months from the date of receipt of such representation along with a copy of this order.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and



subsequent cause of action.

We have not expressed any opinion on merits.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2020
Transmission Date	

