

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19037 of 2018

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Rekha Rani W/o Manish Kumar, Resident of Village- Madhopur, Susta Ward
No.-15, P.S.- Kurhni, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar, Patna.
2. The Director General of Police, Vigilance Investigation Bureau, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Deputy Development Commissioner, Muzaffarpur.
5. The Superintendent of Police, Vigilance Investigation Bureau, Muzaffarpur.
6. The Sub Divisional Officer, West, Muzaffarpur.
7. The District Panchayati Raj Officer, Muzaffarpur.
8. The Block Development Officer, Kurhni, Muzaffarpur.
9. The Project Executive Officer, Kurhni, Muzaffarpur.
10. The Mukhiya Village Panchayat Raj, Susta Madhopur, Kurhni, Muzaffarpur.
11. The Panchayat Secretary, Village Panchayat Raj, Susta, Kurhni, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Respondent/s : Mr.Pushkar Narain Shahi- Aag6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 19.09.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned



counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) To issue an appropriate order/s, direction/s including a writ preferably in nature of Mandamus commanding and directing upon the respondents to enquire into the matter of financial irregularities and others committed by the respondent No. 10 and 11 in village Panchayat Raj, Madhopur Susta, Block-Kurhni, Muzaffarpur in the scheme of Mahatma Gandhi National Rural Employment Guarantee Programme (hereinafter referred to as MGNREGA in short).

(ii) To direct the State respondents to enquire into the matter with regard to misappropriation of fund by the Mukhiya and Panchayat Secretary (respondent nos. 10 and 11) in the said Panchayat who have released the public money in whose favour who had neither worked under the MNREGA scheme nor any job card was issued to them.

(iii) To direct the respondents to take appropriate legal action under the relevant section of Panchayat Raj Act including the institution of FIR under the relevant Section of I.P.C. against respondent nos. 10 and 11 who have illegally and wrongly withdrawn a sum of Rs. 1,30,000/- in the name of filling up soil in the premises of school against the estimated cost of Rs. 15,000/- to 20,000/-.

(iv) To direct the respondent nos. 2 and 5 to conduct thorough investigation regarding the



irregularity aforesaid.

(v) To direct the respondents to enquiry into the matter as to how and in which manner public money was released to those having no concern with MNREGA scheme, either employed in Government/Semi Government Institution/self employed and above all not fit for doing work in view of poor health and overage.

(vi) To any other relief/s to which the petitioner is entitled 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 concerned respondent/District Magistrate to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

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.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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