

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5942 of 2020

1. Seema Devi Wife of Samarjeet Kumar Singh, Resident of Village Ufraul, Kakrahata, Near Rajkiya Madhya Vidyalaya, Kakrahata, P.S. Bidupur, District- Vaishali, Bihar.
2. Om Prakash Singh, Son of Rajendra Singh, Resident of Village Basantpur Kakrahata, P.S. Bidupur, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education, Govt. of Bihar, Patna.
2. The Deputy Development Commissioner, Vaishali at Hajipur.
3. The District Magistrate, Vaishali at Hajipur.
4. The District Education Officer, Vaishali at Hajipur.
5. The Incharge Officer, District Development Branch, Vaishali.
6. The Director, Account Administration and Self Employment, District Rural Development Agency, Vaishali.
7. The Development Commissioner Manrega Committee, Bihar, Patna.
8. The Junior Engineer Manrega, Bidupur, Vaishali.
9. The Programme Officer Manrega, Bidupur, Vaishali.
10. The Block Education Officer, Bidupur, Vaishali.
11. The Headmaster, Uchha Vidyalaya, Sahdullahpur, Dhobauli, Bidupur, Block, Vaishali.

... .. Respondent/s

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-12-2020

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“For issuance of writ in the nature of writ of mandamus, directing and commanding the respondent authorities to enquire into the matter and take appropriate action against the headmaster of the school and the other concerned parties who are involved in malpractice in commissioning of the schemes approved under MANREGA Committee. Fund received for the purpose of the scheme have been misappropriated and pilfered away by the officers concerned and the raw materials have been used of low grade and accordingly the said scheme have not been implemented. And/or pass such other order/orders, direction/directions as his lordships may think fit and proper.”

After the matter was heard for some time, learned counsel for the petitioners submit that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioners shall file a representation before the authority concerned within a period of eight weeks.



The concerned respondent is directed to consider and decide such representation expeditiously and preferably within a period of two months from the date of its filing 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take 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 be afforded to the parties.

Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.



The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.21
Transmission Date	NA

