

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4704 of 2021

Vibha Devi, wife of Mohan Mishra, Resident of Gola Road, Dumraon, Ward No.15, Post Office+Police Station-Dumraon, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Buxar.
5. The Executive Officer, Dumraon Nagar Parishad.
6. Bhagya Mani Devi, wife of Manoj Tiwari @ Bare Tiwari, Resident of Mohalla-Tiwary Tola, Dumraon, Ward No.21, Post Office+Police Station-Dumraon, District-Buxar.

.. ... Respondents

Appearance :

For the Petitioner	:	Mr. Sanjeet Kumar
		Mr. Digvijay Narayan Singh
For the State	:	Mr. Rajiv Roy, G.P.-1
		Mr. Kinkar Kumar, SC-9

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2. 28-04-2021 The matter has been taken up for hearing *on-line* because of COVID-19 Pandemic restrictions.

The petitioner claims to be Ward Councillor of Ward No.15 of Dumraon Nagar Parishad, who has filed the present writ application seeking direction upon the Principal Secretary, Urban Development and Housing Department, Government of Bihar, to remove respondent No.6 from the post of Chief Councillor of Dumraon Nagar Parishad invoking the jurisdiction under sub-section (5) of Section 25 of the Bihar Municipal Act, 2007. It has been alleged in the writ application that respondent



No.6 has wilfully refused to perform the duties and functions of the post which she holds and has committed several financial irregularities, which are grounds for removal under sub-section (5) of Section 25 of the Act.

The petitioner has made a representation before the Principal Secretary (respondent No.2), a copy of which has been brought on record by way of Annexure-P/2 to the writ application. The said application is pending since 01.06.2020, learned counsel for the petitioner has submitted.

A submission has been made on behalf of the State of Bihar that comments of the Executive Officer, Dumraon Nagar Parishad, on the petitioner's representation have already been sought for by the Principal Secretary.

Considering the facts and circumstances of the present case and the nature of relief, which the petitioner is seeking, this application is disposed of with a direction that let a decision be taken on the petitioner's representation (Annexure-P/2) by respondent No.6 within three months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

