

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7030 of 2020

Arvind Kumar Singh S/o Shri Madhaw Sharan Singh R/o At- Village and P.O.- Bindaul, P.S.- Bihta, District- Patna- 801112, Presently residing at House No.- D11/1, Qutub Vihar Phase-2, Goyla Dairy, P.O.- Chhawla, Najafgarh, South-West Delhi, Delhi- 110071.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna- 800015.
3. The District Panchayat Raj Officer, Patna- 800001.
4. The Sub Divisional Officer, Danapur, Patna- 801503.
5. The Block Development Officer Bihta, Patna- 801103.
6. Shri Arun Paswan, Ex- Sarpanch, Neura Gram Panchayat, (Gram Kachhari) Bihta Patna- 801113.
7. Dhananjay Kumar, Ex-Deputy, Sarpanch Neura Gram Panchayat, (Gram Kachhari) Bihta Patna- 801113.
8. Vimal Kumar, Sarpanch, Neura Gram Panchayat, (Gram Kachhari) Bihta Patna- 801113.
9. Ramjee Prasad, Deputy Sarpanch, Neura Gram Panchayat, (Gram Kachhari) Bihta Patna- 801113.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Respondent/s : Mr.Archna Meenakshee (GP6)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

9 29-11-2021 Heard the learned counsels for the parties.

In the instant petition petitioner has prayed for
following reliefs:

“(i) For commanding the respondents accepting rejoining/reappointment the petitioner to the post of Nyaya Mitra at Neora Gram Kachhari Bihta, Patna.

(ii) For commanding the respondents to pay



arrears of salaries/fees and the costs of the writ.”

Undisputed facts are that the petitioners was selected and appointed on the post of Nyaya Mitra of Neora Gram Kachhari Bihta, Patna for a period of five years and it was a tenure appointment for a period of five years. The tenure was completed on 09.10.2012. Thereafter such appointment was discontinued. In the Government's notification there are instructions to such of those appointees to the post of the post of Nyaya Mitra in asking to submit their application/representation to the concerned Gram Panchayat. Accordingly, petitioner had submitted representation/ application on 14.05.2015. Respondents has not taken any decision on petitioner's representation read with Government's notification on 21.04.2015. There were protracted correspondence among petitioner and official respondents “ultimately on 22.11.2019 “Annexure-11”, the petitioner was informed that he is not entitled to appointment as he remained absent in the first tenure for the period from 14.03.2012 to 09.10.2012.

Learned counsel for the petitioner submitted that the post of the Nyaya Mitra at Neora Gram Kachhari Bihta, Patna has been filled up by making incharge arrangements therefore, the post is still vacant and petitioner could be accommodated.



The tenure has been continued from time to time and it is not disputed by learned counsel for the State.

Per contra, learned counsel for the respondent/State, submitted that having regard to the counter affidavit that he remained absent from 14.03.2012 to 09.10.2012 he is not entitled to be reappointed to the post of the post of Nyaya Mitra at Neora Gram Kachhari Bihta, Patna.

Heard learned counsel for the respective parties undisputed facts are that State has evolved a scheme on appointment to the post of the post of Nyaya Mitra. The petitioner was appointed as Nyay Mitra Gram on 10.10.2007 for a period of five years. Such scheme of appointment was discontinued during the intervening period from 20.02.2015 to 21.04.2015, the date on which government notification in re-filling the post of Nyaya Mitra. Pursuant to the Government's notification and the conditions stipulated therein the petitioner had submitted application on 14.05.2015 and the same was not considered by the concerned respondent. Thus, there was a protracted communication among the petitioner and respondents. In order to deny the appointment to petitioner on 22.11.2019, the respondents have taken contention that he remained absent from 14.03.2012 to 09.10.2012. On this issue,



the State counsel is unable to appraise to this Court as to whether any action has been taken in the year 2012 or not, in other words, for the first time on 22.11.2019 alleged allegation of remaining absence from 14.03.2012 to 09.10.2012 has been highlighted. That apart, the petitioner was not subjected to enquiry and termination in the year 2012 and the action taken thereon.

In the light of aforesaid factual aspect of the matter and circumstances, the petitioner has made out a case for appointing him to the post of Nyaya Mitra at Neora Gram Kachhari. Therefore, the concerned respondent is hereby directed to remove the incharge arrangement and appoint the petitioner afresh in terms of Government orders issued from time to time governing the post of the Nyaya Mitra. The petitioner shall be appointed within a period of four weeks from the date of receipt of this order. It is made clear that petitioner is not entitled to any monetary benefit for the intervening period.

Accordingly, the instant petition stands allowed in part.

(P. B. Bajanthri, J)

amitkumar/-

U			
---	--	--	--

