

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7625 of 2020

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Ali Akbar Ansari Son of Nabi Rasul Ansari, resident of Bathua Bazar,
Bhagwanpur, Police Station- Phulwaria, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner, MANREGA, Bihar Rural Development Society, Rural Development Department, Bihar, Patna
2. The Deputy Development Commissioner, Gopalganj
3. The District Magistrate, Gopalganj
4. The S.D.O., Hathua, Gopalganj
5. The District Programme Officer, Gopalganj
6. The Executive Engineer, District Rural Development Organization, Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Kumar Alok, SC-7
Mr. Rakesh Kumar, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 30-11-2021 Heard learned counsel for the petitioner and the

learned counsel representing the State of Bihar.

2. An office order dated 13.05.2020, issued by the
Deputy Development Commissioner, Gopalganj, has been put
to challenge in the present writ application, whereby the
petitioner, who was at the relevant point of time, Mukhiya of
Gidha Gram Panchayat in the district of Gopalganj, has been



‘blacklisted’ for five years, on the basis of certain allegation against him in relation to execution of certain work under MNREGA shemes.

3. A counter affidavit has been filed on behalf of the State of Bihar. The petitioner is no more a Mukhiya of the said Gram Panchayat.

4. Learned counsel for the petitioner, however, submits that the said impugned order is stigmatic in nature, passed without giving the petitioner any opportunity of hearing. It appears on perusal of the counter affidavit that the specific averment made in the writ petition that no prior notice was given to the petitioner before passing of the order of blacklisting is not disputed.

5. Learned counsel appearing on behalf of the State of Bihar, has, on the other hand, submitted that as the petitioner is no more of Mukhiya of the said Gram Panchayat, the said order has become inconsequential to the extent the same relates to the petitioner.

6. On perusal of the impugned order dated 13.05.2020, we notice that apart from the decision to register a criminal case against the petitioner, it was also decided to blacklist him for the irregularities committed by him.



7. Admittedly, no opportunity was given to the petitioner before passing the said order. In our view, the order to the extent the same relates to blacklisting of the petitioner, requires interference and is set aside to the said limited extent.

8. This application is partly allowed.

9. We make it clear that we have not gone into the legal issue as to whether the Deputy Development Commissioner had any jurisdiction to pass an order blacklisting a Mukhiya in relation to execution of work under the scheme in question, which is left open to be decided in any other proceeding, if situation so warrants.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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