

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9744 of 2020

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Tanveer Alam, Male, age about 43 years, son of Md. Vadare, Resident of Village - Kamtauliya, Post - Balukaram, P.S. Balukaram, District - Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt of Bihar, New Secretariat, Patna.
2. The Deputy Development Commissioner, Vaishali at Hajipur.
3. The District Magistrate, Vaishali at Hajipur.
4. The District Panchayat Raj Officer, Vaishali at Hajipur.
5. The Block Development Officer, Vaishali at Hajipur.
6. Sri Asharfi Paswan, Mukhiya, Gram Panchayat Raj, Mahammadpur, District - Vaishali.
7. Sri Umanand Rai, Up-Mukhiya, Gram Panchayat Raj, Mahammadpur, District - Vaishali.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Kumar Alok, S.C.-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date : 28-01-2021

Heard learned counsel for the petitioner and
learned counsel for the State.

The dispute cropped up in connection with
implementation of 7 Nischay Scheme directed by the Hon'ble
Chief Minister of Bihar. The petitioner is Ward Member of Ward
No.12. A letter dated 04.09.2020 has been issued by the District
Panchayat Raj Officer, Vaishali, wherein it has been recorded
that the petitioner is creating hindrance in implementation of the



7 Nischay Scheme and, on that account, the work has not been started and, as such, for execution or carrying out the work, the Up-Mukhiya has been made incharge Chairman for the purposes of implementation of 7 Nischay Scheme. In the said letter, it has also been mentioned that if Ward Member gives undertaking that he will carry out the work, in such circumstance, charge will be handed over to the Ward Member of Ward No.12.

Learned counsel for the petitioner submits that the petitioner is a Ward Member and he is *ex-officio* Chairman of the Committee but, till date no fund has been transferred to the account of the Committee and, as such, execution of the work of 7 Nischay Scheme could not be initiated. If the fund is not transferred, the question of implementation of 7 Nischay Scheme does not arise. He has drawn the attention of this Court to the amended Rule-16 of the Bihar Ward Sabha and Ward Implementation and Management Committee Conduct of Business (Amendment) Rule, 2019, wherein it has been provided that if the work is not started by the Chairman of the Committee (Ward Member) in the scheme assigned to the ward within 45 days of transfer of fund in the account of the Committee or the Chairman shows no interest or the Chairman absents himself from his Ward for a long period, the District



Panchayat Raj Officer, on the report and recommendation of the concerned Block Development Officer, may direct that the account of the Committee shall be operated by jointly signature of Up-Mukhiya of the concerned Gram Panchayat and Member Secretary of the Committee till the Ward Member elected from that ward appears in person before him and gives an undertaking in writing that he will duly perform his duties and responsibilities in accordance with the provisions of these Rules.

Learned counsel for the petitioner further submits that the petitioner has given undertaking to carry out the 7 Nischay Scheme but, still the fund has not been transferred to the account of the Committee, so in absence of fund, the question of commencement of work does not arise.

In such view of the matter, let the petitioner file a representation before District Panchayat Raj Officer, Vaishali at Hajipur, bringing all these facts to his notice, within a period of two weeks from today, in turn, the District Panchayat Raj Officer, Vaishali at Hajipur, will examine the facts and if it is found that the fund has not been transferred to the account of the Committee, he will ensure the transfer of the fund to the account of the Committee and the petitioner, who is the Ward Member,



will be obliged to carry out the aforesaid work without any delay.

Till the disposal of the representation filed by the petitioner, the letter dated 04.09.2020 issued by the District Panchayat Raj Officer, Vaishali, shall be kept in abeyance.

With the aforesaid observations and directions, this writ petition stands dispose of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	29.01.2021
Transmission Date	N/A.

