

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4666 of 2021

Shivkumar Upadhyay, S/o Late Jagarnath Upadhyay R/o Village- Shivrajpur,
P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

1. The Union of India through the Joint Secretary (MGNREGA), Department of Rural Development, Govt. of India, New Delhi
2. The Joint Secretary, (MGNREGA), Department of Rural Development, Govt. of India, New Delhi
3. The Director, (MGNREGA), Ministry of Rural Development, (Mahatma Gandhi NREGA Division), Krishi Bhawan, Govt. of India, New Delhi
4. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
5. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna
6. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
7. The Director, Panchayati Raj Department, Govt. of Bihar, Patna
8. The District Magistrate, Gopalganj
9. The Deputy Development Commissioner, Gopalganj
10. The Block Development Officer, Kuchaikote, Gopalganj
11. The Mukhiya Gram Panchayat Raj Mateya Khas namely Rameshwar Yadav, Son of Lal Babu Yadav, R/o Village- Mateya Tola Guman Rai, P.S.- Kuchaikote, District- Gopalganj
12. The Panchayat Rojgar Sewak, Gram Panchayat Raj Mateya Khas, P.S.- Kuchaikote, District- Gopalganj
13. The Panchayat Secretary, Gram Panchayat Raj Mateya Khas, P.S.- Kuchaikote, District- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Mr. Rajesh Kumar, Advocates
For the Respondent/s	:	Dr. K. N. Singh, ASG Mr.Anjani Kumar (Aag4)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 06-09-2021

Heard learned counsel for the petitioner and learned

counsel for the respondents.

Petitioner has prayed for following reliefs:-

(I) For issuance of writ / writs order/orders or direction/directions in the nature of mandamus directing the respondent authorities to take appropriate action against respondent no.11 (Mukhiya) and respondent no.12 (Panchayat Rojgar Sewak) of Gram Panchayat Raj Mateya Khas in view of joint report dated 20-06-2020 (Annexure -3 series) submitted to the District Magistrate, Gopalganj wherein it has been found that at large scale illegality / irregularity has been committed and thereby huge Government money have been misappropriated / embezzled in the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA).

(ii) For issuance of writ / writs, order / orders or direction / directions in the nature of Mandamus directing the respondent authorities to lodge an FIR against the persons who are involved and responsible for the misappropriation / embezzlement of funds under of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA) and further to initiate steps for recovery of misappropriated / embezzled amounts which may be in lacs and lacs.

(iii) For issuance of writ / writs, order / orders or direction / directions in the nature of Mandamus directing the respondent authorities to initiate proceeding for disqualification / removal of the Mukhiya of Gram Panchayat Raj Mateya Khas under Gram Panchayat Act on the ground that entire financial illegality and irregularity in the preparation of job card and fake payments have been done at the instance of the Mukhiya and the Mukhiya along with other Government officials are responsible for misappropriation / embezzlement of funds, which is public money and meant for poor unemployed persons.

(iv) For issuance of writ / writs, order / orders or direction / directions in the nature of Mandamus directing the respondent State to conduct an inquiry in preparation of fake job cards by the respondent Mukhiya and Panchayat Rojgar Sewak because the payments have been made in the name of many persons who have already died, the other persons who are residing out of country since long for their livelihood and the persons who are in Government job as the payments are made with joint signature of Mukhiya and Panchayat Rojgar Sewak.

(V) For issuance of writ / writs, order / orders or direction / directions in the nature of mandamus directing the

respondent authorities to conduct an inquiry in the illegality / irregularity committed by Mukhiya and Panchayat Secretary of Gram Panchayat Raj Mateya Khas under Kuchaikote Block in the district of Gopalganj in the implementation of “Mukhyamantri Gramin Peyjal Nischay Yojna” and thereby misappropriated / embezzled the huge public money. The petitioner filed representation before the District Magistrate and D.D.C., Gopalganj bringing to their knowledge with regard to the illegality / irregularity committed but no inquiry has been conducted till date.

(vi) For any other relief / reliefs for which the petitioner may be found entitled in the eye of law and in the facts and circumstances of the case also be granted in favour of the petitioner.

Petitioner had represented the District Magistrate, Gopalganj to conduct an enquiry with respect to misappropriation of government fund in the implementation of different schemes under MGNREGA upon which the District Magistrate, Gopalganj constituted a joint team which conducted enquiry and submitted its report to the District Magistrate in which, large scale financial irregularities were detected.

It is submitted by Anjani Kumar, learned AAG 4, that

pursuant to report submitted by the joint team to the District Magistrate, appropriate action is being taken by the District Magistrate on the basis of report submitted by the joint team, as such, present writ petition is disposed of with a direction to the District Magistrate, Gopalganj to take appropriate action against the erring persons against whom, allegations of financial irregularity has been found to be true in the report submitted by the Joint team, needful to be done, within 6 months from the date of receipt/production of a copy of order passed by this Court.

Liberty reserved to petitioner to approach this Court for same and subsequent cause of action, if so arises.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2021
Transmission Date	NA