

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9225 of 2021

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1. Meena Devi wife of Sandhir Kumar resident of Village- Hajpurwa, P.S.- Warisnagar, District- Samastipur.
 2. Arvind Kumar Jha son of Late Rateneshwar Jha at presently posted as Panchyat Sachiv under Block Warisnagar, District Samastipur, resident of Village- Rambhadrapur, P.S.- Hathouri, District- Samastipur.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Deputy Development Commissioner, Samastipur.
4. The District Magistrate cum 2nd Appellate Authority Public Grievance Redressal (Lok Shikayat) Officer, Samastipur.
5. The Sub Divisional Officer Cum Public Grievance Redressal Officer, Samastipur.
6. The Block Development Officer, Block- Warishnagar, District- Samastipur.
7. Mukund Kumar son of Arun Kumar Thakur Village- Mohiuddinpur, Post- Hansa, Block- Warishnagar, District- Samastipur.
8. Cyrex Infra Projects Pvt. Ltd., 2A/21, Textbook Colony, Indrapuri, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar Singh
For the Respondent/s : Mr.Kumar Alok (Sc7)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 16-02-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

2. Petitioner No. 1 was Mukhiya of Gram Panchayat Raj, Mohiuddinpur in the district of Samastipur, and petitioner No.2, Panchayat Sachiv of the said Gram Panchayat. They are



aggrieved by an order dated 28.01.2021 passed by the District Magistrate, Samastipur, whereby they have been asked to deposit in the account of the said Panchayat, a sum of Rs. 3,65,811.00, which was found to have been misappropriated by them in a proceeding before the Sub-Divisional Officer-cum-Public Grievance Redressal Officer, Samastipur. The materials on record demonstrate that the Sub-Divisional Officer, in his order dated 10.08.2019 passed on a complaint under the Bihar Right to Public Grievance Redressal Act, 2015 (the Act for short) filed by one Mukund Kumar, has recorded certain findings disclosing the lapses on the part of these petitioners in the work of installation of street lights within the aforesaid Gram Panchayat. Based on the said findings, the Sub-Divisional Officer had recommended for taking disciplinary action and registration of First Information Report against them, for deliberate lapses and irregularities committed by them. The said order dated 10.08.2019 was passed in exercise of statutory power under the Act. The petitioners did not question the correctness of the said order dated 10.08.2019. The order was then communicated to the Additional Collector-cum-Appellate Authority, Samastipur, and the District Magistrate-cum-Second Appellate Authority, Samastipur. It is in the light of the order



passed by the Public Grievance Redressal Officer that the said order dated 28.01.2021 has been passed by the District Magistrate, Samastipur.

3. On careful perusal of the order passed by the Public Grievance Redressal Officer dated 10.08.2019 and the order passed by the District Magistrate dated 28.01.2021, it is evident that the subsequent order dated 28.01.2021 is nothing but a direction to comply with the order passed by the the Sub-Divisional Officer-cum-Public Grievance Redressal Officer dated 10.08.2019. The petitioners, having not challenged the order dated 10.08.2019, cannot be permitted to question the correctness of the order dated 28.01.2021. The petitioners did not avail the remedy of appeal against the order passed by the Public Grievance Redressal Officer dated 10.08.2019.

4. Learned counsel appearing on behalf of the petitioners has submitted that despite the fact that the petitioners had, in due discharge of their duties, ensured installation of the street lights in the Panchayat in accordance with the guidelines issued by the Block Development Officer from time to time, they are being unnecessarily harassed by the respondents by passing the impugned order.

5. Evidently, the Public Grievance Redressal Officer



has recommended for initiation of disciplinary proceedings and registration of the First Information Report. The stand of the petitioners that there was no misconduct committed by them constituting any criminal liability or warranting disciplinary action can be taken by them during the disciplinary action, if initiated, and at an appropriate stage in the criminal case as and when instituted.

6. It shall also be open to the petitioners to resist recovery of the amount in question, if any steps are taken for recovery, in accordance with law.

7. With these observations, this writ application stands disposed of.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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