

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13947 of 2015

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Natwar Lal Ram son of Sri Krishna Dev Harizan Resident of Village -
Barpalia, P.S. - Guthani, District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Siwan.
3. The District Panchayat Officer, District - Siwan.
4. The Sub Divisional Officer, Siwan.
5. The Block Development Officer, Guthani Block, District - Siwan.
6. The Sarpanch, Sohgara Gram Katchahari Sohgara, Gram Panchayat Block -
Guthani, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra Jha, Adv. Mr. Bijay Prakash Singh, Adv.
For the State	:	Mr. Prabhat Kumar, AC to GA 11

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 2 21-12-2022 1. Learned counsel for the respondents states that the petitioner has preferred this writ petition with prayer that he should be allowed to join on the post of Nyay Mitra. The petitioner by way of this writ petition prayed that his joining should be treated as regular on the post of Nyay Mitra in terms of this selection and also, he should be paid the requisite honorarium for the work which he has been performing.
2. Learned counsel submits that the petitioner although joined from 06.05.2008 but his honorarium was not released. The Block Development Officer has written several



letters to the Sarpanch for releasing the amount to the petitioner but the same has not be released. It is further stated that the salary amount was deposited in the account of the Sarpanch, but he did not disburse it to the petitioner. On the other hand, the report was sent by the Sarpanch of non joining of the petitioner. In this regard, the petitioner had made several representations to the S.D.O. as well as to the District Magistrate but to no avail and, therefore, he preferred this writ petition.

3. A counter affidavit has been filed on behalf of respondents no. 2 to 4 and while they admit that the amount of Rs. 30,000/- (Thirty Thousand) was made available to the Sarpanch, but the same was not released on the ground of non joining and non working of the petitioner. The concerned Sarpanch has also placed a letter on record and stated that the petitioner has never submitted his joining to the Sarpanch and his joining is not found on record.

4. This Court finds that the facts stated in reply to the writ petition by the Sarpanch do not inspire confidence because the Block Development Officer has by orders date 24.04.2008 and 29.04.2010 sent the Dues Draw Statement which mentions the name of the petitioner as man working since 2008. The documents have not been denied by the respondent in their



reply. It is also noticed that the State respondent no. 2 has filed its counter affidavit separately and the District Magistrate was directed to conduct an enquiry vide their letter dated 03.11.15, in respect of the allegations raised by the petitioner. But the concerned District Magistrate has also not bothered to further examine the case and grant suitable relief to the petitioner.

5. It is noticed that the petitioner is Harijan and was appointed in 2008 however, the concerned Sarpanch and the subsequent Sarpanch had failed to release their amount in spite of reviewing the same. The amount which was sanctioned and deposited in the account of the Sarpanch for disbursement to the petitioner, has not been released in favor of the petitioner. No letter has been sent to the concerned authority at that relevant time. At the same time, it is also noticed that the Block Development Officer has recognised the service of the petitioner from 2008.

6. In these circumstances, the District Magistrate was directed to conduct an enquiry by the State Government but the same has also not been conducted. The action amounts to committing atrocity against SC person and exploiting him for which criminal action under the SC/ST (Prevention of Atrocities) Act, 1989 should also be taken against the concerned



Sarpanch as well as the officials concerned. . In this regard, the local S.H.O. of Police Station under which Gram panchayat Ghuthani, in District Siwan is situated, is directed to conduct an enquiry by registering an F.I.R. against the officers and take action and report to this Court of its investigations. If any embezzlement of amount has been done, he should also enquire into that aspect. The District Magistrate at the same time, is directed to take steps for releasing the honorarium and also regularise the services of the petitioner on the post of Nyay Mitra in terms of the new Regulations of 2015.

7. Writ petition is allowed. However, the same shall be kept alive for receiving the report of the S.H.O. and the follow up action.

8. List this case again on 15.02.2023.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 34

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