

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13772 of 2021

Binay Prasad Shahi @ Binay Kumar Shahi S/o-Late Baidhyanath Shahi, Resident of Village-Chanayanban, P.S.-Majhauria, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar.
4. The Development Commissioner, Govt. of Bihar, Patna.
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur, District-Muzaffarpur.
6. The District Magistrate, Bettiah, West Champaran.
7. The Zila Parishad, West Champaran, Bettiah through Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Bettiah, West Champaran.
8. The Deputy Development Commissioner-Cum-the Chief Executive Officer, Zila Parishad, Bettiah, West Champaran
9. The Deputy Director, Panchayat Raj, Tirhut Division, Muzaffarpur, District-Muzaffarpur.
10. The Acting Chairman-Cum-Vice Chairman, Zila Parishad, Bettiah, West Champaran
11. Ramdeshwar Singh S/o-Late Jagdevan Singh Resident of Village-Gawendari, P.S.-Chainpur, District-East Champaran, Motihari, at Present Working as Accountant Head Clerk, Zila Parishad, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta (GP-10)
		Mr. Anwar Karim (AC to GP-10)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 24-02-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the



following relief/reliefs:

“(i) For issuance of an appropriate writ in quashing the Memo No. 134 dated 29.05.2021 issued under the signature of D.D.C.-cum-Chief Executive Officer, Zila Parishad, West Champaran, Bettiah on the order of the then Chairman, Zila Parishad, West Chamapran, Bettiah appointed the Respondent No.11 on contract for the period of Eleven (11) months with retrospective effect contained in Annexure-2.

(ii) For issuance of an appropriate writ in quashing the signature of DDC-cum-Chief Executive Officer, Zila Parishad, West Chmaparan, Bettiah whereby on the order of Acting Chairman-cum-Vice Chairman, Zila Parishad West Champaran, Bettiah, the respondent no.11 has been directed to take charge



of Accountant-cum-Head Clerk from one Shambhu Kunwar in-charge Accountant cum Head Clerk of Zila Parishad Office and District Engineer Office contained in Annexure-3.

(iii) For issuance of an appropriate writ commanding the Respondents to cancel the appointment of Respondent No.11 with an order of recovery of salary paid to him after the appointment in terms of Annexure-2 and 3 and further commanding the respondents to initiate disciplinary action against the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, West Champaran, Bettiah and enquiry against the Acting Chairman-cum-Vice Chairman, Zila Parishad, West Chamaparan, Bettiah.”



Petitioner has questioned the validity of re-appointment of respondent no.11 on contract basis for a period of 11 months pursuant to the order dated 29.05.2021. The relief column do not reveal in respect of writ of *quo warranto*, despite these facts, it is noticed that respondent no.11 was not appointed to any particular post, thereafter, he was asked to takeover the charge of head clerk/accountant. Further, respondent no.11 is stated to have resigned the post which was held by him. Accordingly, writ petition do not survive for consideration.

Hence, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2022
Transmission Date	NA

