

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14209 of 2021

1. Vijay Kumar Rajak Son of Sidheshwar Rajak, Resident of Samir Nagar, Koshi College, P.O. - Koshi College, P.S. - Khagaria (M), Dist. - Khagaria.
2. Nageshwar Prasad Yadav, Son of Baleshwar Prasad Yadav, Resident of Vill.- Rampur, P.O. - Jamalpur, P.S. - Gogri, Khagaria.
3. Awdhesh Kumar, Son of Ramawatar Singh, Resident of Ward No. 1, Badiya, Singh Tola Badiya, P.S. - Gogri, Dist. - Khagaria.
4. Upendra Singh, Son of Late Anuplal Singh, Resident of Chandra Nagar Ranko, P.O. - Koshi College, P.S.- Muffasil, Dist. - Khagaria.
5. Chandrashekhar Prasad Yadav, Son of Late Gulab Prasad Yadav, Resident of Vill.- Dimapur Lagar, P.S. - Parbatta, Dist. - Khagaria.
6. Shri Kant Singh, Son of Late Shital Singh, Resident of Vill. - Hardayal Nagar Banni, P.S. - Gogri, Dist. - Khagaria.
7. Raj Kumar Singh, Son of Late Baleshwar Prasad Singh, Resident of Vill. and P.O. - Sakarapura, P.S. - Madhepura, Dist. - Madhepura.
8. Krishna Nandan Prasad Gupta, Son of Late Banarasi Prasad Gupta, Resident of Vill. and P.O. and P.S. - Maheshkhunt, Dist. - Khagaria.
9. Kailash Paswan, Son of Late Ashrafi Paswan, Resident of Ward No. 09, Vill. - Mathurapur, P.S. - Khagaria, Dist. - Khagaria.
10. Dinesh Prasad, Son of Late Ram Prasad Mandal, Resident of Vill. - Kolwara, P.O. and P.S. - Parbatta, Dist. - Khagaria.
11. Harishankar Prasad Singh, Son of Fagu Prasad Singh, Resident of Vill. and P.O. - Jamalpur, P.S. - Gogri, Dist. - Khagaria.
12. Parmanand Singh, Son of Late Asharfi Singh, Resident of Vill. - Fatehpur, P.O. - Jamalpur, P.S. - Gogri, Dist. - Khagaria.
13. Indradeo Prasad Singh, Son of Late Dipnarayan Prasad Singh, Resident of Ward No. 19, Uttari Rajendra Nagar, Sanhauli, P.S. - Khagaria, Dist. - Khagaria.
14. Sanjay Kumar, Son of Late Ambika Prasad Yadav, Resident of Vill. - Timapur Lagar, P.O. - Lagar, P.S. - Parbatta, Dist. - Khagaria.
15. Jay Kant Singh, Son of Late Jahuri Singh, Resident of Vill. - Karna, P.O. and P.S. - Parbatta, Dist. - Khagaria.
16. Manikumar Chaurasia, Son of Ramji Prasad Chaurasia, Resident of Vill. - Madarpur, Ward No. 04, P.O. and P.S. - Mahesh Khunt, Dist. - Khagaria.
17. Md. Kashim, Son of Late Abdul Hadi, Resident of Vill. and P.O. - Mushkipur, P.S. - Gogri, Dist. - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Patna.
2. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.



3. The Divisional Commissioner, Munger Division, Munger.
4. The Director, Panchayati Raj, Bihar, Patna.
5. The District Magistrate, Khagaria.
6. The Deputy Development Commissioner, Khagaria,
7. The Block Development Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Kumar Alok, SC 7

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

Date : 14-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“(i) For issuance of an appropriate order/s, direction/s and writ/s to the respondent for quashing letter 358 dated 17.05.2021 whereby and under the D.D.C. cum Chief Executive Officer, Zila Parishad, Khagaria wrote letters to all Block Development Officers to take appropriate legal action against the petitioners for irregularities committed in purchase of solar light under B.R.G.F. Scheme in District- Khagaria including registering of F.I.R.

(ii) For issuance of an appropriate order/s, direction/s and writ/s to the respondent not to take any coercive action against the petitioners pursuant to letter no. 358 dated 17.05.2021.

(iii) To pass such other order or orders as your lordships may deem fit and proper in the facts and circumstances of this case as stated herein below.”

3. Letter bearing No. 358, dated 17.05.2021 is among the Chief Executive Officer, Zila Parishad, Khagaria and Block Development Officers. It is only an internal communication with



the Chief Executive Officer as noticed. Certain irregularities were stated to have been committed by the certain persons in respect of purchase of Solar Lights under B.R.G.F. Scheme in District – Khagaria including registration of F.I.R.

4. The respective B.D.O. (Block Development Officer) were required to examine as to whether is there any irregularities in purchase of Solar Lights under B.R.G.F Scheme in District Khagaria or not? Unless and until B.D.O. determine that there are certain irregularities stated to have been committed by the petitioners and others an initiation of enquiry is ordered. At that stage only, the petitioners have cause of action, therefore, *prima facie* present petition is premature.

5. Accordingly, writ petition stands dismissed.

6. At this stage, learned counsel Mr. Sanjay Kumar keep on addressing the mater stating that they were earlier agitated the same issue and the same has not been examined by the concerned respondents. Question of consideration of petitioners' grievance is required to be examined only as and when the competent authority initiate the enquiry or issue a show cause notice seeking explanation of the petitioners in respect of alleged irregularities stated to have been committed by the petitioners. In fact the matter is not even reached the stage of framing of charge memo/show



cause notice. Therefore, the present petition is too premature to entertain in the light of *Union of India and Another Vs. Kunisetty Satyanarayana* reported in (2006) 12 SCC 28 and *Secretary, Ministry of Defence and Others Vs. Prabhash Chandra Mirdha* reported in (2012) 11 SCC 565 decisions of the Apex Court.

7. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

