

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2302 of 2020

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Md. Kalam son of Md. Etwari, resident of village- Gangia, Police Station- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Commissioner MNREGA (Mahatma Gandhi Rural Employment Guarantee Act), Rural Development Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Ashfaque Ahmad
For the Respondent/s	:	Mr. Vinay Kirti Singh (GA-2)
		Mr. Vijay Kumar Verma, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-08-2023 Heard the parties.

*The present petition has been preferred
for a direction/quashing of letter no. 417607 dated
19.03.2019 issued by the Bihar Rural Development
Society under Rural Development Department
signed by the MNREGA Commissioner on the
ground that the order may hamper the purpose for
which MNREGA scheme was launched.*

A counter-affidavit has been filed on behalf of the respondent no. 2, the MNREGA Commissioner and it is relevant to incorporate paragraph 10 which reads as follows:

*10. That it is relevant to mention
here that the order/direction dated*



19.03.2019 issued by the Commissioner, MGNREGA the respondent no.-2 herein has not framed any rule. Rather a directive has been issued by the respondent no.-2 in conformity with the schedule-1 of para 22 of the MGNREGA in which it is clearly stipulated that As far as practicable, works executed by the programme shall be performed using manual labour and no labour displacing machine shall be used.

This Court, in the light of paragraph 10 of the counter-affidavit, is disposing of the writ petition with a direction to the respondent no. 2 that they shall ensure that in line with the reply filed, there shall be minimum use of machine, no soil should be purchased and there should not be any machine used which ultimately displaces a labour.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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