

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6707 of 2018

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Rinki Kumari Wife of Santosh Kumar Resident of Village- Raipur, Ward No. 1, Raipur, Police Station - Samastipur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Deputy Development Commissioner, Samastipur.
5. The Sub Divisional Officer, Dalsingsarai.
6. The Principal Secretary, Panchayati Raj, Bihar, Patna.
7. The Director, Panchayati Raj, Bihar, Patna.
8. The District Panchayati Raj Officer, Samastipur.
9. The Monitoring Officer, Special Secretary, Panchayati Rajya Department, Govt. of Bihar.
10. The Block Development Officer-cum-Executive Officer, Ujiarpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vipin Kumar Singh, Advocate
For the State	:	Mr. K.P. Gupta- GP-10
		Mr. Satya Vrat AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 03-07-2023 Heard the parties.

The instant writ application is being filed on behalf of the petitioner invoking the writ jurisdiction before this Hon'ble Court for seeking the following reliefs:

(i) for issuance of writ of mandamus commanding the respondents to take/initiate suitable disciplinary and penal action against the Block Development Officer cum Executive Officer, Ujiarpur, Samastipur in view of the Inquiry Report as



contained in memo no. 6641 dated 31.07.2017 submitted by Monitoring Officer (Special Secretary), Panchayati Rajya Department Govt. of Bihar pursuant to the complaint filed by the petitioner;

(ii) for issuance of writ of mandamus commanding the respondents to conduct a comprehensive inquiry against the illegal and irregular activities of the Block Development Officer cum- Executive Officer, Ujiarpur, Samastipur in utter violation of the settled principles of law as well as the statutory provision and thereafter to impose suitable punishment against the concerned persons.

Considering the kind of prayer that has been made in the writ petition, the District Magistrate, Samastipur should have gone through the facts and file an affidavit himself. Instead the officials against whom the allegation has been made i.e the B.D.O. Ujiarpur, Samastipur himself has filed an affidavit claiming that the same is being filed on behalf of the respondent nos. 3, 4, 5 and 8 who are the District Magistrate, Samastipur, Deputy Development Commissioner, Samastipur, Sub Divisional Officer, Dalsingsarai and District Panchayati Raj Officer, Samastipur respectively.

However, perusal of the counter affidavit shows that



no such authorization has been incorporated in the counter affidavit and in that background, this counter affidavit will deemed to have been filed only on behalf of the B.D.O. Ujiarpur, Samastipur against whom the allegation has been made.

The writ petition is disposed of with a direction to the petitioner to file a fresh petition before the District Magistrate, Samastipur with all the relevant documents who shall look into the matter and take steps/pass order within a period of three months from today.

The writ petition stands disposed of.

(Rajiv Roy, J)

Jagdish/kiran/-

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