

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4054 of 2023

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Pammi Kumari Wife of Om Prakash Chaudhary, resident of Village Haspura,
P.S. Haspura, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Panchayat Raj Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The District Panchayat Raj Officer, Aurangabad.
4. The Block Development Officer, Block Haspura, District Aurangabad.
5. The Block Panchayat Raj Officer, Block Haspura, District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr.Prabhat Ranjan, AC toGP-6

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-04-2023 Learned counsel for the petitioner undertakes to
submit the court-fee stamp of Rs. 250/- within two days.

So far as other defects are concerned, let the same be
ignored.

This writ application has been filed seeking a writ in
the nature of a writ of certiorari to quash and cancel the order
issued vide memo no. 1174 dated 26.11.2022 by the Block
Development Officer, Haspura (Aurangabad).

At the outset, it has been pointed out by learned
counsel for the State that the petitioner has no locus standi to
file this writ application inasmuch as it would appear that the



petitioner claims herself an elected Mukhiya of Gram Panchayat, Amjharsharif under Block Haspura in the district of Aurangabad. It is stated that by the impugned memo the Panchayat secretaries have been transferred and so far as the Panchayat Amjharsharif is concerned vide Annexure '3' to the writ application Sri Avinash Kumar Sinha has been allotted to Amjharsharif Panchayat.

Learned counsel submits that the earlier Panchayat Sachiv Arjun Singh who was in fact Panchayat Secretary of Koilwa, Dhusari Gram Panchayat but was then allotted Amjharsharif Dhusari has been asked to hand-over the charge. It is stated that since Sri Arjun Singh had informed the District Panchayat Raj officer that he had been given charge of two panchayats namely, Amjharsharif and Dhusari and on that information the District Panchayat Raj Officer issued letter contained in Annexure '4' to the Block Development Officer, Haspura wherein he has instructed that in Haspura Block Jan Sevak and Panchayat Sachiv both are looking after the work of the Gram Panchayat. It is stated in the said letter that the Jan Sevak are of another department who are unauthorizedly working in the Gram Panchayat and that discharging the duties of the Panchayat Sachiv. In this connection, name of Jan Sevak



Sri Surendra Prasad Singh has been referred. It is pointed out that so far as this letter is concerned, it is crystal clear from this letter that Sri Arjun Singh was incharge of two panchayats and the Block Development Officer has now appointed Sri Avinash Kumar Sinha as Panchayat Sachiv of Amjharsharif. It is pointed out that by no stretch of imagination a Mukhiya of the Gram Panchayat would have any grievance with such appointment. Arjun Singh has not moved this Court. It is, thus, a frivolous application.

This court finds force in the submission of learned counsel for the State. An elected Mukhiya such as the petitioner has no locus standi to challenge the transfer and posting of the Panchayat Sachiv.

At this stage, learned counsel for the petitioner seeks permission to withdraw this application.

Permission is granted.

This Writ Application is dismissed as withdrawn.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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