

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4194 of 2023

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Anisa Kumari Wife of Raj Kumar Ram, Resident of Village- Bishanpur, Ward No.-07, Post Office- Gajpatti, Police Station- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Secretary Bihar Vikash Mission, Government of Bihar, Patna.
3. The Secretary Social Welfare, Government of Bihar, Patna.
4. The District Collector, Samastipur.
5. The District Welfare Officer, Samastipur.
6. The Sub-Divisional Officer, Rosera, Samastipur.
7. The Block Development Officer, Rosera, Samastipur.
8. The Panchayat Secretary, Gram Panchayat Raj Surha Basantpur, Block Rosera, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate
For the State : Mr. Gyan Shankar, AC to GP- 2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 01-09-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that petitioner having worked as '*Vikash Mitra*' since 08-08-2016, has not been made the payments in respect of the duties performed by her.

3. Learned counsel for the State submits that the initial selection of the petitioner as '*Vikash Mitra*' on contractual



basis was illegal, which fact has been established, as is apparent from the order passed by the District Program Officer-cum-District Welfare Officer, Samastipur on 29-05-2023 (Annexure-R4/7)

4. Learned counsel for the petitioner submits that if the petitioner was working, the honorarium/emoluments due are required to be paid by the Authorities in recognition of work performed.

5. He further submits that the order dated 29-05-2023, only establishes that till that date the petitioner continued to work as '*Vikash Mitra*'. He therefore, submits that having regard to the work performed by the petitioner, payments are required to be paid.

6. The rival submissions give rise to an issue requiring determination of work done by the petitioner during her contractual existence as '*Vikash Mitra*'. As per State counsel, it is the District Magistrate, who is the competent authority to determine this issue.

7. Petitioner, therefore, should submit a representation for grant of payment for the period of her contractual work, before the District Collector, Samastipur (respondent No. 4). The detailed application should be submitted within four weeks.



8. Learned counsel for the petitioner submits that there is sufficient correspondence to show that the petitioner has been working all this while and details will be placed before the respondent No. 4, along with his representation.

9. On submission of such claim, respondent No. 4, would be required to consider the same in accordance with law and pass a reasoned and speaking order within eight weeks from the date of submission of the claim.

10. Petitioner should also be given due opportunity to appear before the District Magistrate to establish her claim.

11. Writ petition is disposed of with these directions.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
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