

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7460 of 2023

1. Upendra Prasad Mandal S/o Late Ramjee Mandal, Resident of Village Dhanara, P.O. Mahadev Math, P.S. Andhra Math, District-Madhubani.
2. Raj Kumar Pandit, S/o Ganga Ram Pandit, Resident of Village Mahadev Math, P.O. Mahadev Math, P.S. Andhra Math, District-Madhubani.
3. Raj Kumar Kamat, S/o Late Ruplal Kamat, Resident of Village Gidrahi, Ward No. 12, P.O. Mahadev Math, P.S. Andhra Math, District-Madhubani.
4. Indradeo Mandal, S/o Ram Chandra Mandal, Resident of Village Didrahi, P.O. Mahadev Math, P.S. Andhra Math, District-Madhubani.
5. Sukhi Lal Mandal, S/o Late Khatar Mandal, Resident of Village Gudhiya, P.O. Bharfori, P.S. Andhra Math, District-Madhubani.
6. Shravan Kumar Sah, S/o Vishwanath Sah, Resident of Village Dakhi, Post Bharfari, P.S. Andhra Math, District-Madhubani.
7. Raj Kumar Sah, S/o Late Natai Sah, Resident of Village-Amchiri, P.O.-Baruar, P.S. Andhra Math, District-Madhubani.
8. Bishu Dev Mandal, S/o Late Ram Swarup Mandal, Resident of Village-Dakheen, P.O.-Berfori, P.S. Andhra Math, District-Madhubani.
9. Sitaram Mandal @ Chopal, S/o Late Kishan Chopal, Resident of Village-Dhariara, P.O.-Mahadev Math, P.S. Andhra Math, District-Madhubani.
10. Ram Ratan Chopal, S/o Lakhan Chopal, Resident of Village-Dharara, P.O.-Mahadev Math, P.S. Andhra Math, District-Madhubani.
11. Bishun Dev Yadav, S/o Late Dukai Yadav, Resident of Village-Chhatapara, P.O.-Kurer Deora, P.S. Andhra Math, District-Madhubani.
12. Debu Thakur, S/o Late Khattar Thakur, Resident of Village-Beguwa, P.O.-Barar, P.S. Andhra Math, District-Madhubani.
13. Laldev Khatbe, S/o Dukhi Khatbe, Resident of Village-Dukhi, P.O.-Bharkhori, P.S. Andhra Math, District-Madhubani.
14. Jairam Mandal, S/o Late Bhola Mandal, Resident of Village-Narendra Par, P.O.-Mahadev Math, P.S. Andhra Math, District-Madhubani.
15. Ram Chandra Mahto, S/o Late Ram Swarup Mahto, Resident of Village and P.O.-Mahadev Math, P.S. Andhra Math, District-Madhubani.
16. Devu Mandal, S/o Late Kailu Mandal, Resident of Village-Bhughuaba, P.O.-Bariyar, P.S. Andhra Math, District-Madhubani.
17. Upendra Prasad Yadav, S/o Late Misri Lal Yadav, Resident of Village-Royahi, P.O.-Narendrapur, P.S. Andhra Math, District-Madhubani.
18. Lakshmi Sah, S/o Late Baua Lal Sah, Resident of Village-Gidrahi, P.O.-Mahadev Math, P.S. Andhra Math, District-Madhubani.
19. Sudhu Ram, S/o Dukhi Ram, Resident of Village-Jubandh, P.O.-Radham Patti, P.S. Andhra Math, District-Madhubani.
20. Shailendra Kumar Jha, S/o Late Khailandra Jha, Resident of Village-Rayahi, P.O.-Narendrapur, P.S. Andhra Math, District-Madhubani.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Commissioner of Madhubani at Darbhanga, Bihar.
3. The Superintendent of Police, Madhubani.
4. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
6. The Director, Panchayati Raj, Bihar, Patna.
7. The District Magistrate, Madhubani.
8. The District Panchayati Raj Officer, Madhubani.
9. The Block Development Officer, Laukahi, District-Madhubani, P.S. Andhra Math.
10. The Officer Incharge, Andhra Math, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binoy Kumar Sinha 1
For the Respondent/s : Mr.Kumar Alok (Sc7)

**CORAM: HONOURABLE JUSTICE SMT. GUNNU ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioners and learned
Government pleader for the State.

2. On perusal of the record, there is no impugned order in this matter. The writ petition filed by the petitioners seeking direction, to direct the authorities to pay salary since 2001 till date and to make regularize the Gram Raksha Dal and to pass such other order or orders as deem fit and proper.

3. It is the specific contention of the writ petitioners that the petitioners of Andramath under Madhubani District of Bihar may be considered by this Court for having



salary from 2001 till date and for permanent appointment. It is also the contention of the learned counsel for the petitioners that the petitioners have earlier filed writ petitions bearing CWJC No. 10603 of 2014 and CWJC No. 13197 of 2015 which were dismissed on 16.12.2014 and 19.12.2022 respectively. Further the petitioner no. 1 is the Chairman of Gram Raksha Dal, Andramath, Madhubani District along with 20 members. The respondents and the Government has not paid any salary to them since 2001. It is further contention that the District Magistrate is the authority to consider them and to pay the said salary.

4. On the other hand, the learned counsel for the State Government contended that detailed counter has been filed and that there is no provision for granting of any honorarium to the members of the Gramin Raksha Dal and members of Gram Raksha Dal and that the members of Gram Raksha Dal should be below the age of 18 to 30 years and would continuously work for a period of 5 years as provided under Rule 3 of Bihar Gramin Raksha Dal Rules, 2004. It is further contended that all the petitioners are aged above 30 years and therefore, the question of paying any salary or honorarium to the petitioner does not arise.

5. Admittedly, there is no impugned order in this



case. It is the specific contention of the petitioners that since 2001 they were working without any salary. But the present petitioners filed in the year of 2022 seeking for the salary from 2001.

6. On perusal of the writ petition, it is evident that all the petitioners are aged above 30 years. There is no order of appointment, appointing them as Gramin Raksha Dal and in the absence of any appointment order, the petitioners cannot seek the remedy for having salary from the State Government. Therefore, this Court is of the considered view that there are no merits in the writ petition so as to direct the authorities for paying of salary to the petitioners. Therefore, the writ petition is dismissed as it is devoid of merits.

(Gunnu Anupama Chakravarthy, J)

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