

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12058 of 2023

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Gunjan Kumar, S/o Sri Pandav Mandal, Resident of Village- Pura, P.O.- Karian, Block- Shivaji Nagar, Police Station- Rosera, District- Samastipur, Bihar, Presently Member, Panchayat Samiti, Gram Panchayat Raj Rajour Ram Bhadrapur, Shivaji Nagar, Rosera, Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchyati Raj, Government of Bihar, Patna.
2. The District Magistrate-cum- District Election Officer, (Panchayat), Samastipur.
3. The Sub- Divisional Officer, Rosera, Samastipur.
4. The District Panchayati Raj Officer, Samastipur.
5. The Block Development Officer, Shivajinagar, Samastipur.
6. The Block Panchayati Raj Officer-cum- Executive Officer, Gram Panchayat Raj Rajour Ram Bhadrapur, Shivajinagar, Samastipur.
7. Dr. Govind Kumar, Pramukh, Panchayat Samiti, Shivajinagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Advocate
For the Respondent/s : Mr. Kumar Alok, SC -7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 26-09-2023

Heard Mr. Avinash Kumar, learned counsel appearing on behalf of the petitioner and Mr. Kumar Alok, learned SC-7 for the State.

2. The petitioner, who is an elected member of Constituency no.6 of the Panchayat Samiti, Gram Panchayat Raj, Rajour Ram Bhadrapur, Shivaji Nagar, Rosera, Samastipur, preferred the present writ application seeking following reliefs:

“a. For issuance of appropriate



Writ/ Writs, direction/ directions in the nature of mandamus of Writs, Order or Orders for directing the respondents concerned to implement the Gram Panchayat Development Plan without making any discrimination amongst the wards and to act strictly in terms of the recommendation made by the 15th Finance Commission while distributing grants allocated under the head Tied and Untied in equal terms to all wards as per the guidelines issued by the Department of Panchayati Raj vide letter No.-4954 dated 26.08.2020.

b. For issuance of appropriate direction upon the state authorities to hold impartial enquiry with regard to the allocation of majority funds/schemes only to the ward specific, in derogation of the guidelines issued in this behalf by the State Government frustrating the Constitutional object of creating the Local self-Government with a view to eradicate discrimination in development programmes/schemes brought by the state government as a measure to ensure infrastructural development at the ground level of society.

c. For further kind indulgence of this Hon'ble court to look into the matter and the concerned respondents may be directed to produce all connected records for perusal of the same for passing an



appropriate order.

d. For any other relief/reliefs which the Hon'ble court may grant in the interest of the public that may be deemed appropriate and necessary in this case.”

3. It is submitted on behalf of the petitioner that on the recommendation of 15th Finance Commission, the State Government vide order no. 14 dated 16.06.2020 gave approval to the distribution of share of the grant (Tied and Untied) issued by the Government of India in ratio of 70:20:10 to the Gram Panchayat, Panchayat Samiti and Zila Parisad for implementation of the development plan. The department of Panchayati Raj vide letter dated 26.08.2020 issued guidelines and necessary direction regarding identification of the development work and distribution of grant equally to all the wards of the Gram Panchayat. However, despite the specific guidelines issued by the Panchayati Raj Department, the respondents, especially respondent nos. 6 and 7 are acting in complete defiance of the Rule. He further drew the attention of this Court to Annexure- P/3 and in reference thereto he submits that the list of work allocated and grant distributed in different wards of the Panchayat Samiti supplied under the signature of Block Development Officer would show that how the respondents have acted contrary to their own guidelines and



directions, as not a single penny has been allocated for development work of Constituency no.6, in question.

4. It is also submitted that on being aggrieved, the petitioner also made complaint before the District Panchayati Raj Officer, Samastipur and in response thereto the District Panchayati Raj Officer, Samastipur vide its letter no. 4277 dated 09.12.2022 directed the Executive Officer-cum-Block Development Officer, Shivajinagar to immediately convene the meeting of the Panchayat Samiti and identify the work of development in each ward and distribute the grant equally for implementation of the work strictly in terms of the direction issued by the department. Despite the direction issued by the District Panchayati Raj Officer, Samastipur, the respondent nos. 5 to 7 are acting contrary to the guidelines by not following the equal distribution of work/yojna to all the wards for the financial year 2023-24.

5. On the other hand, learned counsel for the State submits that for allocation of the development work, the guidelines have already been issued by the District Panchayati Raj Department and, thus, the respondents are obliged to allocate the work and distribution of grant, as per the terms of the guidelines.



6. Considering the submissions made on behalf of the parties and taking note of the submissions put forth by the learned counsel for the petitioner, this Court feels it apt and proper to direct the petitioner to file a fresh representation bringing on record all the irregularities before the District Magistrate, Samastipur, who is the competent authority to look into the matter. If such representation would be filed by the petitioner within a period of two weeks from today, the District Magistrate, Samastipur shall consider the same in terms of the guidelines issued by the Panchayati Raj Department, Bihar, Patna and pass necessary order preferably within a period of four weeks thereafter.

7. In view of the aforesaid directions and observations, the present writ application stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2023
Transmission Date	NA

