

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16930 of 2022

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Sheshnath Upadhyay Son of Barmeshwar Upadhyay Resident of village-
Akauni, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development, Govt. of Bihar, Patna.
3. The Chairman, Appellate Authority, MGNREGA, Rural Development, Govt. of Bihar, Patna.
4. The Member, Appellate Authority, MGNREGA, Rural Development, Govt. of Bihar, Patna.
5. The District Magistrate, Buxar.
6. The District Development Commissioner, Buxar.
7. The Lokpal, MGNREGA, Buxar.
8. The District Program Officer, Buxar.
9. The Program Officer, Dumraon, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirbhay Prashant, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG- 4

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-12-2023 Heard the parties.

2. Learned counsel for the petitioner has submitted that the appellate order dated 26.07.2022 has been passed by the two member appellate authority, whereas as per the revised guidelines for appointment of reimbursement issued by the Government of India dated 28.08.2017, the award of reimbursement can be challenged before the appellate authority and all the decisions of the appellate authority on appeals against the award of reimbursement will be taken by all three



members together. It is an admitted position that impugned order has been passed by two members of the appellate authority as the third member was not appointed. Whereas, learned counsel for the State submitted that the selection of the third member was cancelled.

3. In these circumstances, this application is allowed, and the matter is remitted back to the appellate authority with a direction that the same shall be heard and decided by a three member appellate authority in accordance with law.

4. Until and unless three members are available in the appellate authority, this appeal shall not be disposed of.

(Sandeep Kumar, J)

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