

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19505 of 2019

Jaychandra Kumar, S/o Chandramani Sah, Resident of Village Tariyama,
Ward No.- 8, P.S.- Simri, Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principle Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Cabinet Vigilance Department, Government of Bihar.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.
6. The Deputy Development Commissioner, Saharsa.
7. The Sub Divisional Officer, Simri Bakhtiyarpur, District- Saharsa.
8. The Block Development Officer, Simri Bakhtiyarpur, District- Saharsa.
9. Programme Officer, Manrega, Simri Bakhtiyarpur, District- Saharsa.
10. Nirmala Devi, W/o Narayan Prasad Gupta, Presently Mukhiya of Tariyama Gram Panchayat, Simri Bakhtiyarpur, District- Saharsa.
11. Junior Engineer, Manrega, Block Simri Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr.Vikash Kumar (SC-11)
For Respondent No. 10	:	Mr. Suman Kumar Jha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2023

1. The writ petition has been filed allegedly in public interest seeking an enquiry into the non-implementation of schemes under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 in the Gram Panchayat-



Tariyama, Block- Simri Bakhtiarapur, District- Saharsa and withdrawal of Government money for the period 2017-19. The allegation hence is against a defalcation of amounts which ought to have been used in implementation of the scheme. In Paragraph 9 there are listed out 13 instances of such non-implementation.

2. A detailed counter affidavit has been filed wherein on the basis of the representation of the petitioner himself the Programme Officer, Simri Bakhtiyarpur by Annexure-A directed the various officials to carry out enquiry and submit report. It has been stated in Paragraph 10 that the following has come out from the report received:-

“10 (a) The details of scheme as pointed out in the complaint of this petitioner were duly verified after site inspection.

(b) With respect to Scheme No. 27/2016-17 actual work was found to have been done at site as per measurement book worth Rs. 89581/- and thereafter the work was stopped as the project site was taken up for different scheme.

(c) With respect to Scheme No. 10/2016-17 it was reported that actual work was found to have been done.

(d) Same is the position with respect to other schemes and the work was found satisfactory and payment was found to have been made as per measurement book.

(e) Some complaints made by the petitioner were found to be covered under the 13th Financial Commission, however, they could not be verified as the records were not available



in the Panchayat.

(f) The enquiry report also categorically reports that this petitioner due to village politics has been filed complaint which is frivolous in nature.

(g) It has also been reported that work was completed two to three years back and there has been damages due to natural reasons also like flood etc., however, it was categorically reported that it is not a case that work itself was not done.”

The Inquiry Report is also produced as Annexure-C.

3. Yet again, the petitioner had raised the issue before the District Public Grievance Officer and on 04.03.2020, the proceeding was dropped in presence of the petitioner as well as the representatives of the Government based on the Inquiry Report of four officials as stated above and recording a finding that as per the Inquiry Report there is no merit in the complaint of the petitioner. The order also records the withdrawal of the complaint by the petitioner, which is produced as Annexure-D.

4. None appeared for the petitioner when the matter was called. Considering the totality of the circumstances, we are of the opinion that the Public Interest Litigation has to be dismissed with a cost of Rs. 5,000/- (five thousand) which shall be paid by the petitioner to the Bihar State Legal Services Authority and if not paid within a period of one month, the Bihar State Legal Services Authority would be entitled to



recover it from the petitioner as arrears due on land under the appropriate enactment.

5. The writ petition stands dismissed with the above cost.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2023
Transmission Date	

