

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1643 of 2023

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Nirmala Devi wife of Sri Harikant Tiwari, Resident of Village and P.O.-
Madarana, Gram Panchayat- Madarana, Prakhand- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Additional Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Accountant General (A and E), Bihar, Patna.
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The District Magistrate, Vaishali, Hajipur.
6. The Sub- Divisional Magistrate, Vaishali, Hajipur.
7. District Development Commissioner, (DDC), Vaishali, Hajipur.
8. The Panchayati Raj Officer, Vaishali, Hajipur.
9. Block Development Officer, Vaishali, Hajipur.
10. The Prakhand Panchayati Raj Officer cum Executive Officer, Panchayat Samiti, Vaishali, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Advocate
For the Respondent/s : Mr. Ajay, GA 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

- 6 27-07-2023 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.
2. The petitioner who happens to be an elected
Member of the Panchayat Samiti, Vaishali under Ward no.20 has
filed the instant application in the nature of a public interest



litigation praying for a direction to remove discrimination in allocation of fund disbursement among the three tiers of Panchayati Raj Institutions in the District of Vaishali, for a direction to adhere by the true spirit of the guidelines framed by the Panchayati Raj Department, Government of Bihar, to remove discrimination in allocation of fund disbursement and for other reliefs.

3. The case of the petitioner in brief that she got elected as a Member of the *Panchayat Samiti* of Ward no. 20 in Vaishali. So far as the disbursement of funds for development purpose is concerned, the decision is taken by the *Pramukh* unilaterally without abiding by the guidelines laid down by the Panchayati Raj Department, Government of Bihar. Further allegations have been made of the Panchayati Raj Institutions indulging in malpractice and misutilising the funds provided by the exchequer of Bihar and not achieving the object enshrined in the Panchayati Raj Act. The petitioner states that the current administration of the Panchayati Raj Institutions is far from satisfactory, funds are being defalcated and siphoned, there is opaqueness in administration, blatant favoritism and political interference. The working of the Panchayati Raj Institutions needs to be suitably restructured. Hence the writ application.



4. A counter affidavit has been filed on behalf of the District Magistrate, Vaishali at Hajipur along with others stating therein that the statements made in the writ petition are misleading and misconceived. There has never been any discrimination in allocation of funds or its disbursement nor there has been any opaqueness in administration. So far as the schemes are concerned, there are 23 territorial constituencies and the schemes are selected in the meeting of the Panchayat Samiti, the meetings being presided by the *Prakhand Pramokh*.

5. Having heard learned counsel for the parties and having perused the material on record, it transpires that the statements as also the allegations levelled by the petitioner are themselves vague, opaque and lack in material detail. Not only the petitioner has not given any instance in support of her allegation but has also not made any person as a party respondent, who in her opinion, may have benefited out of the alleged discrimination. Further so far as the allocation/ disbursement of fund is concerned, the same falls exclusively in the domain of the policy decision of the Government.

6. Further in the opinion of this Court, the petitioner would have an equally alternate and efficacious remedy under the Bihar Panchayati Raj Act, 1947 and the instant public



interest litigation would not be maintainable.

7. The application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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