

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.598 of 2024

In
Civil Writ Jurisdiction Case No.17669 of 2017

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Poonam Devi @ Punam Devi Wife of Sri Jai Krishna Mehta Resident of
Village-Sirsiya, P.S.-Forbisganj, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar, Patna, Namely Sri Mihir Kumar Singh, I.A.S.
2. The Director Panchayati Raj Department, Bihar, Patna, Dr. Ranjit Kumar Singh, I.A.S.
3. The District Magistrate, Araria, namely Smt. Inayat Khan.
4. The District Panchayati Raj Officer, Araria, District-Araria, namely Dhananjay Kumar.
5. The Sub Divisional Officer Forbisganj, Araria, namely Smt. Shailja Pandey
6. The Block Development Officer, Farbisganj, District- Araria namely Sanjay Kumar.
7. The Block Panchayat Raj Officer, Forbisganj, Araria, Namely Birendra Kumar Das
8. The Sarpanch, Gram Kachhari Pothiya Block Farbisganj, District- Araria, namely Isharat Jahan.
9. Rubi Kumari Reshmi, Wife of Sudhir Kumar Mehta, Resident of Village-Sirsiya, P.S.-Farbisganj, District-Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Singh, Adv.
For the Opposite Party/s : Mr.Government Pleader 6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2024 1. The present petition has been filed by the petitioner complaining of disobedience of the order of this Court dated 05.02.2018, passed in C.W.J.C. No.17669 of 2017, whereby and whereunder, it has been directed as follows:-

“ The *Status quo* as on today shall be maintained.”

2. The learned counsel for the petitioner has submitted



that the petitioner joined on the post of Panchayat Secretary, Gram Panchayat, Pothiya, Forbisganj on 07.11.2017, whereafter the aforesaid order dated 05.02.2018, granting status quo, was passed in a writ petition filed by one, Rubi Kumari Reshmi and then the Block Panchayat Raj Officer, Forbisganj, has sent a letter dated 30.05.2022 to the Sarpanch, Pothiya, Forbisganj, stating therein that the said Rubi Kumari Reshmi, is the Panchayat Secretary, Gram Panchayat, Pothiya, Forbisganj, whereafter the Block Development Officer, Forbisganj, has written a letter dated 08.09.2022 to the Sarpanch, Pothiya, Forbisganj, stating therein that the aforesaid, Rubi Kumari Reshmi, was working earlier as Panchayat Secretary, hence she will continue to work till the dispute is decided by the Hon'ble Patna High Court, thus, it is submitted that the aforesaid order dated 05.02.2018, has been violated by the respondents.

3. Per contra, the learned counsel for the opposite parties has submitted, by referring to the show cause filed in the present case that the Sub-Divisional Officer, Forbisganj, in pursuance to the remand of the matter to him by the Hon'ble Patna High Court, vide order dated 13.09.2017, passed in C.W.J.C. No.9583 of 2014, filed by the petitioner had passed an order dated 02.11.2017, inter alia directing therein to appoint the



petitioner, however, the said Rubi Kumari Reshmi did not hand over the charge and instead challenged the said order dated 02.11.2017, by filing a writ petition, bearing C.W.J.C. No.17669 of 2017, wherein this Court had passed an order of status quo in favour of the said Rubi Kumari Reshmi, vide order dated 05.02.2018. Thus, it is submitted that on the day the aforesaid order, directing for maintaining status quo, was passed i.e. on 05.02.2018, the aforesaid Rubi Kumari Reshmi was working as Gram Kacheri Sachiv and in fact the petitioner has never joined as Gram Kacheri Sachiv, pursuant to the order dated 02.11.2017, passed by the Sub-Divisional Officer, Forbisganj, hence the opposite parties have not disobeyed the order dated 05.02.2018, passed by this Court.

4. I have heard the learned counsel for the parties and perused the materials available on record, from which it is apparent that purely factual aspect of the matter is being raised and the parties are levelling allegations and counter allegations against each other, hence this Court is of the view that since the main writ petition i.e. C.W.J.C. No.17669 of 2017 is still pending consideration before this Court, the respective rights of the parties are required to be finally adjudicated therein and accordingly, they would be entitled/dis-entitled to the



consequential benefits. Nonetheless, this Court, at the moment, is refraining from making any comments on the merits of the case and does not feel persuaded to proceed with the present proceedings.

5. Accordingly, the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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