

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7790 of 2022

Nilu Kumari W/o Sri Dharmendra Kumar Resident of Village-Dharampur,
P.S.-Hathidah, Mokama, District-Patna-803301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Development Commissioner, District-Patna, Bihar,
3. The District Magistrate, District-Patna, Bihar,
4. The District Panchayati Raj Officer, District-Patna, Bihar,
5. The Block Development Officer, Mokama, District-Patna. Bihar.
6. The Sarpanch, Gram Panchayati Raj Dariyapur, Block-Mokama, District-Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Tiwary, Advocate
For the Respondent/s : Mr.Ajay (GA-5)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. (i) CERTIORARY for quashing of the order dated 08.01.2020(Annexure-3) passed by the respondent no. 3 by which he has terminated the petitioner from her service i.e. Kachahari Sachiv;
(ii) MANDAMUS for direction to the respondents to reinstate the petitioner on her service with back wages and all consequential benefits.”*

2. At the outset, the learned counsel for the respondents fairly submits that as per Rule 12 of



the Bihar Gram Kutchery (Employment, Service Conditions and Duties) Rules, 2014 (hereinafter referred to as the Rules, 2014), the authority empowered to terminate the services of Kutchery Sachiv (i.e. the petitioner) is the Sarpanch of the concerned Panchayat, however, in the present case the District Magistrate, Patna has terminated the services of the petitioner by an order dated 08.01.2020. Thus, it is submitted that the impugned order dated 08.01.2020, passed by the District Magistrate, Patna be quashed and the matter be remanded back to the Sarpanch, Dariyapur Panchayat, Block-Mokama, District-Patna for re-consideration.

3. Having regard to the fair stand taken by the learned counsel appearing for the respondent-State as also considering Rule 12 of the Rules, 2014, this Court finds that the District Magistrate, Patna has got no authority/jurisdiction under the Rules, 2014 to terminate the services of a Secretary, Gram Kutchery, hence the impugned order dated 08.01.2020 passed by the District



Magistrate, Patna is quashed and the matter is remanded back to the Sarpanch, Dariyapur Panchayat, Block-Mokama, District-Patna to take appropriate decision, in accordance with law.

4. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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