

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9182 of 2019**

Sanjay Thakur Son of Late Baidhnath Thakur Resident of Village- Baradih,  
P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Rural Development Department, Govt. of Bihar, Patna.
2. The District Magistrate Muzaffarpur.
3. The Deputy Development Commissioner Muzaffarpur.
4. The D.C.L.R. West, Muzaffarpur.
5. The C.D.P.O. Block- Sahebganj, Muzaffarpur,
6. The Block Development Officer Sahebganj, Muzaffarpur.
7. Md. Shaiyad Mokhtar Alam the then Panchayat Secretary of Panchayat Raj Paharpur Manorath, and now posted as Panchayat Secretary at Panchayat Raj East Japaha, block- Bochahan, District- Muzaffarpur.
8. Baldeo Sharma the then Mukhiya of Gram Panchayat Raj Paharpur Manorath, Resident of Village- Semra Nizamat, P.O.- Bishnapur Patti, P.S.- Sahebganj, District- Muzaffarpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : None.

For the Respondent/s : Mr. Anjani Kumar, AAG-4

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)**

**Date : 16-02-2024**

None appears on behalf of the petitioner.

2. Earlier, also when the matter was taken on  
08.02.2024, there was none to represent the petitioner.



3. Mr. Anjani Kumar, learned Additional Advocate General, for the State is present.

4. The petitioner by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, has filed the present Public Interest Litigation, seeking a direction upon the respondents to inquire into the allegations of embezzlement of government funds earmarked for Yojna No. 03/13-14 under which a fund of Rs.6,25,000/- has been allotted to construct Anganwadi Centre No. 120 in Ward No. 8 at village Semara Nizamat, Gram Panchayat Raj Paharpur Manorath in Sahebganj block of Muzaffarpur in favour of the respondents no. 7 and 8 on a government land.

5. Despite the allotment of the fund as noted hereinabove, the respondents no. 7 and 8 have not constructed the Anganwadi Centre on government land, rather a house has been constructed on the land of one private person, namely, Sovarna Ram, Son of Jamun Ram, resident of village Semara Nizamat, P.S. Sahebganj, Muzaffarpur bearing Khata No. 89, Khesra No. 453 area of 3 decimal, where the private person has been living with his family.

6. Taking note of the seriousness of the aforesaid complaint of the petitioner against the Panchayat Secretary and Mukhiya of Gram Panchayat Paharpur Manorath, showing embezzlement of public money, this Court vide its order dated



30.04.2019, directed the District Magistrate, Muzaffarpur to get the matter examined and file counter affidavit.

7. In compliance therewith, a counter affidavit has been filed on behalf of the respondents no. 2 to 6.

8. The matter was inquired and, *prima facie*, it has been found that the allotted fund to the tune of Rs.6,25,000/- has been unauthorizedly diverted by the then Panchayat Secretary and the Mukhiya of Gram Panchayat Raj Paharpur Manorath for construction of house meant for a private person, leading to show-cause notice to the Panchayat Secretary as to under what circumstances, the said building of Anganwadi Centre No. 120 was constructed on the private land. Despite the notice, no response has been made and thus the memo of charge (प्रपत्र 'क') was framed and he has been put under suspension with immediate effect.

9. Considering the avernments enumerated in the counter affidavit, as discussed hereinabove, this Court deems it apt and proper to dispose of the present application with a hope and expectation that the departmental proceeding initiated against the erring Panchayat Secretary would come to its logical conclusion expeditiously, in accordance with law. We would also expect the authorities to ensure recovery of public funds, diverted for construction of a residential house for a private individual.



10. Writ petition stands disposed off.

(K. Vinod Chandran, CJ)

( Harish Kumar, J)

rohit/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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