

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9032 of 2024

Indrajeet Kumar Son of Shri Harinandan Prasad Resident of village - Saindih,
Post Office Pyarepur, Police Station - Giriyak, District-Nalanda. At present
Panchayat Samiti Member (BDC), Ghosarwan, Block - Giriyak, District -
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar,
Patna.
3. The Director. Panchayati Raj Department, Govt. of Bihar, Patna
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Nalanda
6. The Deputy Development Commissioner, Nalanda.
7. The District Panchayati Raj Officer, Nalanda.
8. The Sub Divisional Officer, Rajgir, Nalanda.
9. The Block Development Officer-cum-Executive Officer, Panchayat Samiti,
Giriyak, Nalanda.
10. The Block Panchayati Raj Officer, Giriyak, Nalanda.
11. The Additional Director General, Vigilance Department, Govt. of Bihar,
Patna.
12. The Deputy Superintendent of Police -cum-Enquiry Officer, Vigilance
Investigation Bureau, Bihar, Patna.
13. Smt. Rajani Kumari Wife of Shri Santosh Kumar Prakhanda Pramukh, Block
Giriyak, District - Nalanda, resident of village and Post Office - Durgapur,
Police Station - Giriyak, District - Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Standing Counsel (9)
For the Vigilance	:	Ms. Archana Palkar Khoped, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-07-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of an appropriate writ in the



nature of certiorari for quashing the final order dated 23.03.2024 passed by the District Magistrate, Nalanda, by which, he has disposed of the 02nd appeal filed by the petitioner against the irregularity done by the Prakhand Pramukh of Ginyak Prakhand in implementation of the Govt schemes with the help of her husband, namely, Santosh Kumar, who is a vendor of New Kuri Traders, in connivance with the Block Panchayati Raj Officer, Giriyak, Nalanda relying upon the report of the District Panchayati Raj Officer, Nalanda without considering the fact that in the said report, he has stated that so far as allegation that no representative of the Panchayat Samiti can transfer the amount in the account of his/her relative i.e. wife/husband/son and daughter towards purchase of materials for implementation of scheme in concerned panchayat samiti by showing them to be the vendor as has been mentioned in the letter no. 7996 of the Panchayati Raj Department, Govt. of Bihar, Patna dated 14.07.2023 is concerned, he has very surprisingly reported that after the aforesaid letter, no amount has been transferred in the account of the husband of Prakhand Pramukh, namely, Santosh Kumar, who is the vendor of New Kuri Traders after issuance of the aforesaid letter no. 7996 dated 14.07.2023 by the Panchayati Raj Department, Govt. of Bihar, Patna, and the said opinion of the District Panchayati Raj Officer,



Nalanda itself shows that the prior to 14.07.2023, the Prakhand Pramukh had the license to embezzle the Govt. fund as he has clearly stated that after 14.07.2023, no purchase was done from New Kuri Traders meaning thereby earlier the materials were purchased from the said trader, namely, New Kuri Trader of which the husband of Prakhand Pramukh is vendor and furthermore, no clear and specific report has been submitted with regard to allegation of embezzlement of amount of Rs. 58, 06, 192/-, which has been transferred in the account of New Kuri Trader of which the husband of Prakhand Pramukh is a vendor and an amount of Rs. 8,17,944/- in the account of Pushpak Trader, which is also related to the Prakhand Pramukh and also the facts situation stated by the Block Development Officer, Giriyak, Nalanda in his letter no. 84 dated 25.01.2024, which has been issued in compliance of the order of the District Public Grievance Redressal Officer, Nalanda, in which, he has clearly indicated towards the mass irregularities, no report has been submitted and thus such an order of the District Magistrate, Nalanda relying upon the report of the District Panchayati Raj Officer, Nalanda is not just and proper and the same suffers from serious infirmities and the same is not sustainable in the eyes of law.

(ii). For issuance of an appropriate writ in the



nature of mandamus for commanding and directing the respondent authorities concerned of the Panchayati Raj Department, Govt. of Bihar to constitute a State level committee to make a proper enquiry on the allegation levelled by the petitioner and the facts situation stated by the Block Development Officer, Giriyak, Nalanda in his letter dated 84 dated 25.01.2024 so that the mass irregularities done by the Prakhand Pramukh with the help of her husband, namely, Santosh Kumar in connivance with the Block Panchayati Raj Officer, Giriyak, Nalanda, may come into light and the public money, which has been embezzled might be recovered and a suitable action might be taken.

(iii). For issuance of an appropriate writ in the nature of prohibition by restraining the Prakhand Pramukh (Rajani Kumari) to function as Prakhand Pramukh, as there is allegation of mass irregularities against her and her husband and embezzlement of huge amount of Govt. fund, which she in connivance with the Block Panchayati Raj Officer, Giriyak, Nalanda got transferred the amount of Panchayat Samiti in the account of New Kuri Trader of which the husband of Prakhand Pramukh is vendor and the same is a blatant violation of Sub-Rule 5 (1) of Bihar Public Govt. Servant Conduct Rule, 1976, wherein it has been mentioned that no public representative can benefit his/her relative either



directly / indirectly.”

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the Respondent No. 2 i.e. the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna, for redressal of his aforesaid grievances. Liberty, so sought, is granted.
3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

