

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11195 of 2024

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Ful Kumari Devi Wife of Anil Mahto Resident of Kullakhas, Kulakhas, P.S.-
Kasba, District- Purnia. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Bihar, Patna.
2. The Divisional Commissioner, Purnia Division, Purnia.
3. The District Magistrate, Purnia.
4. The Sub-Divisional Officer, Purnia.
5. The District Panchayati Raj Officer, Purnia.
6. The Block Development Officer, Kasba, District- Purnia.
7. The Block Panchayati Raj Officer, Kasba, District- Purnia.
8. The Mukhiya Kulla Khas Panchayat Block- Kasba, District- Purnia.
9. The Panchayat Secretary, Kulla Khas Panchayat, Block- Kasba, District- Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Niraj Kumar, Advocate
		Ms. Saloni Sinha, Advocate
For the Respondent/s	:	Mr. Mithilesh Kr. Singh, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2024 Heard the parties.

2. The petitioner has prayed for grant of the following
reliefs:

*(i) to issue an appropriate order/s,
direction/s including a writ preferably in
the nature of mandamus commanding
and directing upon the Divisional
Commissioner, Purnia Division, Purnia
(Hereinafter referred to as respondent
No.2) to exercise powers confer to him*



under section 18(5) of the Bihar Panchayat Raj Act 2006 and remove the Mukhiya of Kullakhas Panchayat under Kasba Block of Purnia District taking into account that Mukhiya has been found guilty of misconduct in the discharge of his duty, as well as willfully omits or refuses to perform his duty;

(ii) to direct the respondent No.5 to comply with the order dated 06.10.2023 the passed by Divisional Commissioner, Purnia Division pursuant to complaint filed by petitioner by which direction has been given to take steps for initiation of disciplinary proceedings against the Panchayat Secretary of Kullakhas Panchayat as well as to take action in accordance with law regarding removal of Mukhiya of said Panchayat with a further direction to submit report within 15 days;

(iii) to direct the respondent No.5 to



also comply with the 14-06-2024 order dated 24.05.2024 passed by the Commissioner, Purnia Division in connection with complaint filed by the petitioner to enquiry into the matter of irregularity committed in Scheme No.05/2022-23 and Scheme No.09/2022-23 under Pradhan Mantri Gramin Sadak Yojna Sat Nischay Yojna etc. by the Mukhiya and Panchayat Secretary of the above mentioned report;

(iv) to any other reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.

3. Though, learned counsel for the petitioner took this Court to the order passed by the Commissioner, Purnea division, Purnea, earlier on 11.8.2023 (Annexure-P/3) to submit that the further steps should have been taken in the line of the said direction, the submission further is that another order came to be passed by the same authority on 14.6.2024 in which he took



note of the report that the payment has been made in accordance with law and observed that the two reports are quite different from each other and in that background, both the reports need to be reviewed within a time frame.

4. This Court has gone through both the orders (Annexure-P/12) and has seen the reason for passing another order inasmuch as, in the second order, the report that was submitted that the payment has been made in accordance with law was taken note of and thus, he directed the respondent District Panchayat Raj Officer (Respondent no.5) to review the schemes. In that background, when the Divisional Commissioner has given direction, it has to be taken forward under the lens of the District Magistrate, Purnea within a time frame.

5. Learned State Counsel submits that the respondents will be taking immediate steps in line with the direction issued by the Divisional Commissioner, Purnea.

6. In that background, the writ petition stands disposed of with a direction to the petitioner to provide all the documents alongwith the representation to the respondent no.3, the District Magistrate, Purnea in four weeks who shall:

(i) constitute a Committee of Senior



officials in two weeks;

(ii) the Committee shall look into the files and will give personal hearing to both the petitioner and the ‘Mukhiya’, visit the spot and thereafter shall submit a report to the District Magistrate, Purnea in four weeks;

(iii) the copy of the enquiry report shall be provided both to the petitioner as also ‘the Mukhiya’;

(iv) thereafter, personal hearing again be given to the petitioner and the ‘Mukhiya’ whereafter the District Magistrate, Purnea will pass a reasoned order.

7. The entire exercise is to be completed in four months.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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