

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12654 of 2024

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Tripula Kumari Wife of Pappu Yadav, Daughter of Sotilal Yadav, resident of Sohans, P.O.-Jafra, District-Madhubani and Present resident of Village-Murliyachak, P.O.-Genaur, P.S.-Patauna, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Chief Executive Officer cum Mission Director, Swaksha Bharat Mission (Gramin) and Lohiya Swakshata Yojana, Bihar, Patna.
4. The District Magistrate cum Chairman, District Water and Sanitation Committee, Madhubani.
5. The Deputy Development Commissioner, Madhubani.
6. The District Panchayat Raj Officer, Madhubani.
7. The Block Development Officer cum Block Sanitation Officer, Bisfi Block, District-Madhubani.
8. The Block Panchayat Raj Officer, Bisfi Block, District-Madhubani.
9. The Mukhiya, Gram Panchayat Raj Parsauni North, Block-Bisfi, District-Madhubani.
10. The Panchayat Secretary, Gram Panchayat Raj Parsauni Uttar, Block-Bisfi, District-Madhubani.
11. Phool Kumari, Wife of Sukan Kumar Yadav, residence of Vill-Murliyachak, P.O.-Ganaur, P.S.-Patauna, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar Jha, Advocate
For the Respondent/s	:	Mr. K.P. Gupta, G.P.- 10
		Mr. Satya Vrat, A.C. to G.P.- 10

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed the present writ petition for
following reliefs:-



(i) For issuance of writ in the nature of certiorari, for setting aside the letter no. 24 dated 13.12.2023 (Annexure-P/5), issued by the Panchayat Secretary, Parsauni Uttar Panchayat to the Block Development Officer, Bisfi Block, Madhubani i.e. Respondent No.7 whereby and whereunder, the Panchayat Secretary has sent a recommendation of the name of Phul Kumari (Respondent No.11) for the appointment on the post of Sanitation Supervisor in Parsauni Uttar Panchayat as the Respondent No. 11 has been selected as a first preference for the said post by the 'Gram Sabha' conducted on 08. 12. 2023.

(ii) For issuance of writ in the nature of mandamus, directing and commanding upon the respondent authorities particularly Respondent No.7 to reject the recommendation of the name of the Respondent No. 11 as it has been recommended by the Panchayat Secretary, Parsauni Uttar Gram Panchayat vide letter no. 24 dated 13.12.2023 for the appointment on the post of Sanitation Supervisor in Gram Panchayat Parsauni Uttar as she deliberately concealed her criminal antecedent, which is pending before the



Session Court, Madhubani as it is an essential condition under the guidelines for appointment of Sanitation Supervisor that 'there should not be pending any criminal case against the candidate'.

(iii) For issuance of writ in the nature of mandamus, directing and commanding upon the respondent authorities particularly Respondent No.7 to seek a fresh proposal letter from the Panchayat Secretary, Parsauni Uttar Panchayat preferring the name of the petitioner as she is the next eligible candidate for the said post as the Respondent No. 11 has concealed the criminal antecedent i.e., CR-65/2021, which is pending before the Ld. Special Court, SC-ST Act, Madhubani and thereafter, issue an appointment letter in favor of petitioner for the joining on the post of Sanitation Supervisor in Parsauni Uttar Panchayat.

(iv) To any other relief or reliefs, which the petitioners may be found entitled to in the facts and circumstances of the case.

(v) Cost of this litigation.

3. Learned counsel for the petitioner submits that by filing the present writ petition, he has challenged the appointment of private Respondent No. 11 violating the rule framed by Gramin



Vikash Vibhag, Lohiya Swaksha Bihar Abhiyan. Counsel submits that even after his complaint, there is no action taken by the authority concerned, therefore, he has filed the writ application before this Hon'ble Court.

4. Learned counsel for the State opposes the prayer of the petitioner and submits that under Lohiya Swaksha Bihar Abhiyan, the Competent Authority is the Deputy Development Commissioner relating to any complaint in the matter of appointment. Counsel further submits that the petitioner has not approached before the D.D.C. on any earlier occasion and therefore, he ought to move before the D.D.C. first and then come to this Hon'ble Court.

5. After hearing the argument, counsel for the petitioner seeks permission to withdraw the writ petition seeking liberty before the D.D.C. concerned.

6. As such, the writ petition stands disposed off granting liberty to the petitioner to approach before the Deputy Development Commissioner (respondent No. 5) who is the Competent Authority for the appointment under Lohiya Swakshata Mission.

(Dr. Anshuman, J.)

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