

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23061 of 2019

Usha Devi Wife of Ratnesh Kumar Singh Resident of Village-
Vishwambharpur, P.O. Kudarbadha, Bishambharpur Basant, P.S. Garkha,
District-Saran at Chapra, Presently Mukhiya of Gram Panchayat Raj,
Kudarbadha, Block-Garkha, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The District Magistrate, Saran at Chapra, District-Saran at Chapra.
5. The District Panchayat Raj Officer, Saran at Chapra, District-Saran at Chapra.
6. The Block Development Officer, Gorkha, District-Saran at Chapra.
7. The Panchayat Secretary Gram Panchayat Raj, Kudarbadha, Block-Garkha, District-Saran at Chapra.
8. The Block Development Officer, Revilganj, District -Saran.
9. The Secretary, Rural Development Department, Government of Bihar, Patna.
10. The Additional Director General Vigilance Investigation Bureau, Cabinet (Vigilance) Department, Government of Bihar, Patna.
11. Umesh Prasad Chourasiya, Son of not known to the petitioner the then Panchayat Secretary Gram Panchayat Raj Kudarbadha Block Garkha, Distt. Saran at Chapra.
12. Kamla Kant Trivedi, Son of not known to the petitioner the then Block Development Officer, Garkha, P.O. and P.S. Garkha District- Saran at Chapra.,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S.B.K. Mangalam, Adv.
For the Respondent/s : Mr. Kameshwar Pd. Gupta (Gp10)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 30-09-2024

Heard the parties.

2. The present writ petition has been preferred for the
following relief(s):

“i) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 25.10.2019 issued under the joint signature of the Respondent nos.5 and 6 and contained under letter no.1944 dated 25.10.2019 which is addressed to the Respondent no.4 whereby and where under the



Respondent nos. 5 and 6 have recommended for removal of the petitioner from the post of Mukhiya under Section 18(5) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act) and have also recommended for lodging First Information Report against the petitioner;

ii) for issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.3 for independent enquiry about the conduct of Respondent nos. 5 and 6 by which they have illegally targeted a public representative for action against her only because she has not conceded to the illegal pressure of Respondent nos. 5 and 6 and they have further gone to the extent of shielding the Respondent no.7 against whom the petitioner has made several complaints for his non- cooperation in the implementation of development schemes in the Gram Panchayat;

3. for issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.3 to hold an independent enquiry about the conduct of Respondent nos. 4 to 7 for compelling the petitioner for illegal transfer of fund to the account of Ward Implementation and Management Committee particularly after their knowledge that the schemes selected by the Ward Committee has neither been placed before the Gram Sabha for its approval nor the Block



Level Monitoring Committee has granted its technical sanction to the schemes nor it has been ever placed before the petitioner for its administrative approval, so far but the action has been recommended against her because she has not conceded to the illegal pressure of the Respondent nos. 4 to 7;

iv) for a declaration that if under the guidelines issued by the Respondent no.2 for implementation of Mukhya Mantri Pay Jal Nischay Yojana and Mukhya Mantri Gramin Gali Nali Pakkikaran Yojana, it is contemplated under the guidelines that the Ward Committee would decide its priority of the schemes under the Ward and would place its decision before the Gram Sabha for approval and after approval by the Gram Sabha, the technical sanction of approved schemes would be generated by the Block Level Committee and thereafter the concerned File will be placed before the Mukhiya for grant of administrative approval which the Mukhiya would grant and remit the concerned Records to the Ward Implementation and Management Committee for implementation and would also transfer the amount for the implementation of the scheme after grant of administrative approval, the petitioner has committed no mistake, if she has not transferred the amount to the account of Ward Implementation and Management Committee, if no File has been placed before her through the aforesaid channel for the purposes of grant of



*administrative approval, so far;
v) for issuance of any other
appropriate writ/writs,order/ orders,
direction/directions for which the writ petitioner
would be found entitled under the facts and
circumstances of the case.”*

3. Mr. S.B.K. Mangalam, learned counsel for the
petitioner submits that with the passage of time, it has become
infructuous.

4. The writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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