

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19129 of 2015

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Upendra Kumar Son of Sumeshwar Sao resident of village Chauri, P.S. Chauri, District - Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principle Secretary, Panchayati Raj Department, Bihar, Patna.
2. The Collector Cum District Magistrate, Bhojpur Ara
3. The District Panchayati Raj Padhadhikari, Bhojpur Ara
4. The Block Development officer, Sadar Block, P.S. Sahar, District The District Panchayati Raj Padhad
5. The Prakhand Panchayati Raj Padhadhikari, Sahar, P.S. Sahar, District - Bhojpur
6. The Sarpanch, Gram Katchahry, Chauri, P.S. Sahar, District - Bhojpur
7. Sanjay Kumar Son of Ramji Singh resident of village - Purahara, P.S. Sahar, District - Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sidhendra Narayan Singh, Advocate Mr. Rama Kant Singh, Advocate
For the Respondent/s	:	Mrs. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-06-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for issuance of an appropriate writ/writs, order/orders and /or direction/directions commanding the respondents to allow/continue the functioning of petitioner as Nyay Sachiv, Gram Katchahry, Chauri in the district of Bhojpur along with all arrear, consequential unpaid monetary benefit as without issuing any show cause notice and / or without affording an opportunity



of hearing and also without issuing/serving any removal/termination letter petitioner has been restrained from functioning on said post.

3. Learned counsel for the petitioner submits that the petitioner has been terminated orally and without jurisdiction, in contravention of Rule 8(3) read with Rule 11 of the Bihar Gram Katchahry Sachiv (Niyojan, Seva Shart, Kartavya) Rules, 2007 (hereinafter referred to as “Rules of 2007”). He further submits that, following the said violation, the petitioner has approached this Hon’ble Court.

4. Counsel further submits that since there is a direct violation of Rule 8(3) of Rules of 2007, which is the condition of service, the Hon’ble High Court may be pleased to interfere in the matter.

5. Learned counsel for the State, on the other hand, submits that the petitioner has been removed pursuant to an order passed by this Hon’ble Court and, in this regard, he refers to paragraph 5 of the counter affidavit.

6. In light of the submissions made, it transpires to this Court that the counter affidavit does not mention the number of the writ petition, nor does it indicate which party approached the writ Court. It is also unclear whether the



petitioner was heard before the writ Court or not.

7. However, under the Rules annexed by the petitioner, i.e., Annexure 1, it transpires to this Court that Rules 12 and 13 pertain to complaint and appeal procedures. It further transpires to this Court that the petitioner is claiming his appointment in accordance with the said Rules of 2007. If that is so, and the petitioner is able to convince the concerned authority that his appointment was made under the Rules, then those Rules shall apply to the petitioner's case under which the petitioner is entitled to file a complaint before the S.D.O., which was tested before the Additional District Collector in appeal.

8. In this view of the matter, the present writ petition stands disposed off, directing the petitioner to avail the remedy according to Rule 2007, which he himself has annexed as Annexure-1, within 30 days by filing the appropriate petition/representation. The concerned authority shall pass order on the said petition/representation within 90 days, which shall be counted from the date of appearance of all the concerned parties thereafter.

9. It is made clear that if it comes to the knowledge of the concerned authority that another person has been appointed to the said post, then the authority shall, after hearing both



parties, pass an appropriate order. It is also made clear that since the matter has been pending before this Court for a long time, therefore, delay, if any, shall be condoned.

(Dr. Anshuman, J.)

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