

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11661 of 2025

Md. Shamshad Alam Son of Md. Ashique, Resident of Village- Usmanpur,
Ward No.- 02, P.O. Ratanpura, Police Station Ashoke Paper Mill, District-
Darbhanga, Pin Code- 846002 Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchyati Raj Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, District- Darbhanga.
3. The District Panchayat Raj Officer, District- Darbhanga.
4. Block Panchayat Raj Officer, Block- Bahadurpur, District- Darbhanga.
5. The Mukhiya, Gram Panchyat- Pirri, Block- Bahadurpur, District- Darbhanga.
6. The Surpunch, Gram Panchyat- Pirri, Block- Bahadurpur, District- Darbhanga.
7. The Secretary, Gram Panchyat- Pirri, Block- Bahadurpur, District- Darbhanga.
8. Mukesh Kumar Singh, Son of Ram Prasad Singh, Resident of Village and Post- Tumaul, Police Station- Ghanshyampur, District- Darbhanga, PIN- 847405, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prava Shankar Mishra, Advocate
For the Respondent/s	:	Mr. Madhav Pd. Yadav, GP-23
		Mr. Arvind Kumar, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 04-08-2025

Learned counsel for the petitioner and learned counsel
for the State are present.

2. The present writ petition has been filed by the
petitioner with the following reliefs:-

*“1. To issue a Writ in nature of
Mandamus for direction to respondent*



especially respondent no 3, the district panchayat officer, Darbhanga and respondent no 4 the block panchayat officer, Bahadurpur block, Darbhanga to appoint the petitioner on the post of Nyaya Mitra in Gram Katchahry within Gram Panchyat-Pirri.

II. To call for entire record of selection process with respect to advertisement number 1420 for the post of Nyaya Mitra in Gram Katchahry within Gram Panchyat Pirri and thereupon to quash the appointment of Mukesh Kumar Singh respondent no 8.

III. To stay the joining of the Mukesh Kumar Singh, respondent no 8 on the post of Nyaya Mitra In Gram Katchahry within Gram Panchyat Pirri till final adjudication of this case.

IV. To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

3. Learned Counsel for the State raised preliminary objection and submits that the matter is relating to the appointment of Nyaymitra in Gram Katchahry and for appointment of Nyaymitra, there is a forum in the said Rule. It is due to this reason, he submits that this writ petition is not maintainable.



4. Upon perusal of the Bihar Gram Katchahry Nyay Mitra (Employment, Service Conditions and Duties) Rules, 2007, which has been notified by the Government of Bihar, Panchayati Raj Department, Notification No.1338/Patna dated 23.08.2008, whose Rules 12 and 13 States as follows:-

“12. **Complaint.**-Any complaint regarding employment of Nyaya Mitra of Gram Katchahry on contract basis may be filed before the concerned Sub-Divisional Magistrate within 30 (thirty) days of such employment under these Rules, Sub-Divisional Magistrate shall be competent to take decision on the complaint received. Sub-Divisional Magistrate concerned shall give his decision on the complaint received not later than 30 days.

13. Appeal.- Any appeal against the decision of Sub-Divisional Magistrate may be filed before the District Magistrate concerned within thirty days from taking such decision, hearing of which shall be made by District Magistrate or an officer equivalent to the rank of Additional District Magistrate authorised by him. Order shall be passed after the hearing is completed.”

5. It transpires to this Court that liberty for which the petitioner has moved here is available to him by way of



filing complaint before the Sub-Divisional Magistrate, Darbhanga, under Rule 12 of the Bihar Gram Katchahry Nyay Mitra (Employment, Service Conditions and Duties) Rules, 2007.

6. In this view of the matter, this writ petition is disposed off granting liberty to the petitioner to avail his remedy under Rule 12 by way of filing complaint before the Sub-Divisional Magistrate, Darbhanga, within 30 days from today.

7. It is made clear that delay, if any, in filing the complaint is hereby directed to be condoned. The Sub-Divisional Magistrate, Darbhanga, shall pass order on the complaint of the petitioner within 30 days, as mentioned in the statute, from the date of appearance of all concerned.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2025
Transmission Date	

