IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18741 of 2016

CNR No. BRHC010023982016

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Smt. Sabitri Kumari wife of Sri Bajrangi Lal Sinha, resident of village-Raghunathpur, Ward no. 4, Gali No. 01, P.S. Turkauliya, Motihari, District East Champaran.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Secretary, Panchayat Raj Bibhag, Bihar, Patna.
3. The District Panchayat Raj Office, Motihari, East Champaran.
4. The Block Development Officer, Block Development Office, Sugauli, East Champaran.
5. The Sarpanch, Panjiarwa Gram Kachhari, Sugauli, East Champaran.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Bishwa Bhushan Sahay, Advocate
For the Respondent/s : Mr. Jitendra Kr. Roy No. 1- S.C-13

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and the learned counsel for the State.

2. In the instant writ petition, the petitioner has prayed for the following relief:

> *"That this is an application for issuance of a writ in the nature of mandamus directing the respondents to be made payment of arrear of Mandey of Nayay Mitra to the petitioner."*

3. The petitioner, a Nyay Mitra of Panjiarwa Gram Kachahari, Sugauli, East Champaran, has prayed for a writ in the nature of mandamus directing the respondents to make

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payment of the arrears of the mandey (honorarium) of Nyay Mitra to her within a reasonable period, and for such other order as the Court may deem fit and proper for the ends of justice.

4. Learned counsel for the petitioner submits that she was appointed by the Sarpanch on 01.09.2009 as Nyay Mitra under the Bihar Gram Kachahari Nyay Mitra (Appointment, Services and Contract) Rules, 2007, and received her honorarium by a cheque of Rs. 20,000/- on 29.09.2010 and Rs. 47,250/- up to March 2011. After the Deputy Secretary, Panchayati Raj Department, issued Notification No. 8P0/B-5-130/20/32388 dated 21.04.2015, she rejoined, by registered letter dated 11.05.2015 sent through the Block Development Officer, Sugauli, to the Sarpanch, and her joining was accepted from 23.04.2015, as the Sarpanch and Sachiv were absent when she went to the Gram Kachahari

5. Learned counsel for the petitioner further submits that, the petitioner complained to the Block Development Officer that the Sarpanch demanded 10% of her earlier payment and that the work of the Gram Kachahari was being done by the husband of the Sachiv, but no action was taken. On the direction of the District Panchayati Raj Officer, she submitted her bank account details to the Block

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Development Officer on 29.02.2016 for payment, and by registered letter dated 20.07.2016 she asked the newly elected Sarpanch not to pass any order without hearing her.

6. Learned counsel for the petitioner lastly submits that, about sixteen months after her rejoining, she received three letters in one registered envelope dated 31.08.2016 from the Block Development Officer, being letter Nos. 973 dated 16.08.2016, 410 dated 11.03.2016 and 39 dated 12.08.2015, informing her that her rejoining record was not available in the office. She replied, but it is submitted that neither the Block Development Officer nor the Sarpanch had power to remove her after sixteen months, and that the Government is bound to pay her honorarium from the date of her rejoining.

7. Learned counsel for the State/Respondent Nos. 3 and 4 submits that, under Rules 8(3) and 11 of the Nyay Mitra (Employment, Service Conditions and Duty) Rules, 2007, the contractual tenure of a Nyay Mitra ends with the completion of the tenure of the elected body of the Gram Kachahari or until fresh selection, and that, under Rule 2 read with Rule 9 of the amended Rules of 2015, a Nyay Mitra who had worked earlier was required to join the Gram Kachahari concerned.

8. Learned counsel for the State/Respondent Nos. 3

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and 4 further submits that her honorarium for that tenure has been paid, and that she has suppressed receipts of Rs. 5,000/-, Rs. 20,000/-, Rs. 5,000/-, Rs. 47,250/- and Rs. 1,162/- , so that nothing remains due. It is further submitted that, when the database of Nyay Mitras was being prepared, the Sarpanch reported her non-joining to the Block Development Officer by letter No. 39 dated 12.08.2015, that the petitioner herself claimed to have joined in the office of the Block Development Officer and has changed her stand about the place of joining, and that her claim for honorarium was rejected by Memo No. 410 dated 11.03.2016. When she wrote again, she was asked by Memo No. 973 dated 16.08.2016 to produce evidence of her joining the Gram Kachahari, but she was making a false claim.

9. Learned counsel for the StateRespondent Nos. 3 and 4 lastly submits that, under Rule 7 of the Rules of 2015, the petitioner had a remedy to lodge a complaint before the Sub-Divisional Officer within whose jurisdiction the Gram Kachahari is situated, and an appeal under Rule 9 before the District Magistrate, East Champaran, but she invoked writ jurisdiction instead, so that the writ application is not maintainable and is fit to be dismissed.

10. Having heard the parties and perused the

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record, since there is a dispute as to whether the petitioner joined as Nyay Mitra after the notification dated 11.05.2015 and whether her honorarium remains due, this Court is not inclined to interfere under writ jurisdiction as there is a disputed question of fact. Therefore, the present writ petition is disposed of with a liberty to the petitioner to file a representation before the concerned authority, along with relevant documents in support of her claim.

11. If such a representation is filed, the authorities concerned shall look into the matter and take necessary steps to decide the same, after hearing the petitioner, in accordance with law, by a reasoned order, as expeditiously as possible, preferably within three months from the date of receipt of the representation.

(Alok Kumar, J)

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