

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5989 of 2024

Nitin Kumar Son of Shambhu Sah, R/o Fakhrudinpur, P.S.- G.B. Nagar,
Tarwara, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar.
5. The District Magistrate- cum- District Collector, Siwan.
6. The District Development Officer, Siwan.
7. The Sub-Divisional Officer, Siwan.
8. The Block Development Officer, Bhagwanpur Hat, Siwan.
9. The District Panchayati Raj Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Adv.
For the Respondent/s : Mr.Kunal Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-07-2026 Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

2. Learned counsel for the petitioner submits that the
present writ petition has been filed with the following reliefs:-

*1. That this is an application for issuance
of an appropriate writ/writs, order/orders or
direction/directions in the nature of certiorari for
quashing/setting aside the letter bearing Memo No.
2371-II dated 21.10.2021 issued by the District*



Panchayati Raj Officer, Siwan by which the petitioner is terminated from his service due to lodging of a Vigilance Case No. 026/2021 dated 05.07.2021 under section 7(a) under Prevention of Corruption Act, 1988 (Amended as 2018) and/or be pleased to pass a writ in the nature of mandamus commanding the respondents to reinstate the petitioner on his initial post of technical Assistant Block, Bhagwanpur Hat District- Siwan who was sent to jail for taking the bribe of Rs.50,000/- on 27.01.2022 and/or be pleased to pass such order or orders which may be deemed fit and proper in the facts and circumstances of the case.

3. Learned counsel for the State has raised preliminary objection and submits that Annexure-C of the counter-affidavit, which is issued by Panchayati Raj Department is especially for those persons who have been appointed on contractual basis. He further submits that Rule 13 of the Panchayati Raj Department, is very clear that against the decision of District Panchayati Raj Officer, the appeal is preferable before the District Magistrate.

4. In the light of the submissions made, the present writ petition is hereby disposed of directing the petitioner to prefer statutory appeal before the District Magistrate, Siwan (Respondent No.5) within 30 days along with a copy of this order and the respondent No.5 shall pass a reasoned and



speaking order on the same within 90 days after receiving the same.

5. Delay, if any in filing the appeal is hereby directed to be condoned.

(Dr. Anshuman, J)

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