

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8226 of 2025

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Murlidhar Mishra Son of Late Dhruva Narayan Mishra, Resident of Village-
Choupra Bazar, P.S.- Janki Nagar, District- Purnia

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Panchayat Raj Department,
Govt. of Bihar, Patna
2. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna
3. The Director, Panchayat Raj Department, Government of Bihar, Patna
4. The District Magistrate, Purnea
5. The Sub Divisional Officer, Banmankhi, District- Purnea.
6. The Block Development Officer, Banmankhi, District- Purnea.
7. The Nodal Officer-cum-B.W.O., Banmankhi, District- Purnea.
8. The Sarpanch, Gram Kachahari, Ramnagar, Farsahi, Milik, Block-
Banmankhi, District- Purnea
9. The Secretary, Gram Kachahari, Ramnagar, Farsahi, Milik, Block-
Banmankhi, District- Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhandev Kumar, Advocate Ms. Isha Mishra, Advocate Ms. Meera Kumari, Advocate
For the Respondent/s	:	Mr. Government Advocate (03)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 21-04-2026

Heard learned Counsel for the petitioner and learned
Counsel for the State.

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

*“i. For issuance of writ in
the nature of mandamus for direction*



to the respondents for grant due arrear of salary to the petitioner since date of his appointment i.e. on 30.11.2007 on the post of Nyaya Mitra in Gram Kachahari, Ramnagar Farsahi, Milik, Block-Banmankhi, District-Purnea.

ii. For further issue direction to the respondents pay due arrear of salary (contract amount) of the working period to the petitioner from his date of the appointment on the post of Nyaya Mitra i.e. on 30.11.2007 to till today along with the compound interest 9% per annum to till date of full and final payment to the petitioner.

iii. For issue direction to respondents for considering the application filed by the petitioner for payment due salary on the post of Nyaya Mitra from the date of his appointment to till today but said application is still pending for due consideration.

iv) For further give other legal consequential benefit to the petitioner to the post.”

3. Learned Counsel for the petitioner submits that the



petitioner was appointed on the post of Nyay Mitra on 30.11.2007 and since then he was started discharging his duty as Nyay Mitra in the Gram Kachhari, Ramnagar, Farsahi, Milk, Block- Banmankhi, District- Purnea. Counsel submits that after lapse of four months, an application was filed in the form of complaint before the S.D.O., Banmankhi and the S.D.O. has passed an order without jurisdiction after lapse of statutory period on 21.05.2008 and directed the concerned authority to take proper action against the petitioner. Counsel further submits that the petitioner has preferred appeal before the District Magistrate, but his appeal was again dismissed on 22.09.2017 in Misc. Appeal Case No.77 of 2008, against which the petitioner has preferred CWJC No.6524 of 2019, which was dismissed vide order dated 17.08.2022. Thereafter, the petitioner preferred L.P.A. No.490 of 2022, which was allowed in favour of the petitioner on 18.03.2025 and the order of the S.D.O., Collector have been set aside. He submits that the order passed by L.P.A. Bench is Annexure-P/5, by which the matter was remitted back and direction was made that complainant is required to be heard in the matter in view of the allegation and counter allegation on behalf of the appellant and the complainant, competent authority was directed to hear to all



stakeholders in this matter.

4. Learned Counsel for the petitioner submits that the said hearing before the competent authority is decided against the petitioner and the petitioner has preferred appeal before the Collector. Counsel for the petitioner submits that but the present writ petition has been filed for directing the respondent authorities to make payment of salary of the petitioner during the period he has worked as he is undisputedly worked as Nyay Mitra.

5. No one appears on behalf of the State.

6. But from the record, it transpires to this Court that the appointment of petitioner was under challenge. It is true that the LPA Court has remanded the matter with the following observations as made in LPA No.490 of 2022, whose paragraphs 4, 5 and 6 reads as follows:

“4. The LPA stands allowed, reserving liberty to the concerned official respondents to proceed in accordance with law. If there is any serious complaint in that event appellant shall be provided an opportunity of oral hearing. The appellant is also permitted to file his detailed explanation to the show cause to be issued by the concerned official respondents. The above exercise shall be completed within a



period of four months from the date of receipt of this order.

5. Pending I.A., if any, stands disposed off.

6. At this stage, learned Counsel for the respondents submit that the complainant is required to be heard in the matter in view of the allegation and counter allegation on behalf of the appellant and complainant, competent authority is directed to hear who are all stakeholders in the matter. ”

7. It further transpires to this Court that in compliance of the order passed by Hon'ble Division Bench, the matter was heard by the competent authority, which has been decided against the petitioner. According to the argument made by the Counsel that the petitioner has challenged the order passed by the competent authority before the Collector. This Court upon perusal of the order, which was decided against the petitioner though it has already been set aside in which the appointment of the petitioner is itself under challenge.

8. This Court is of the firm view that until and unless the decision relating to his appointment shall not take place, it shall not be appropriate for this Court to direct any authority for payment. Hence, this writ petition is dismissed granting liberty



to the petitioner that after acquiring the finality of the decision with regard to his appointment, he may sue further before the appropriate authority for the period he worked, if it has been found that his appointment is valid and legal.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2026
Transmission Date	

