

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8395 of 2025

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Santosh Kumar Yadav Son of Siyaram Yadav, resident of village - Rampur,
Post - Bahuarba, Police Station- Manigachhi, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna - 800015.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna- 800015.
3. The District Magistrate, Darbhanga.
4. The District Panchayat Raj Officer, Darbhanga.
5. The Additional District Magistrate, Darbhanga.
6. The Sub-Divisional Officer-cum-Public Grievance Redressal Authority, Sadar Darbhanga.
7. The Block Development Officer, Manigachhi, District- Darbhanga.
8. The Panchayat Secretary, Gram Panchayat Raj Katma Bahuarba, Block - Manigachhi, District - Darbhanga.
9. The Mukhiya, Gram Panchayat Raj, Katma, Bahuarba, Block - Manigachhi, District - Darbhanga.
10. Ranjana Jha, Wife of Hareram Jha, resident of village- Bahuarba, Police Station- Manigachhi, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. L.K. Yadav, Advocate Mr. Prabhu Narayan, Advocate
For the State	:	Mr. Harun Quareshi, AC to SC-1
For the Resp. No. 10	:	Mr. Kripa Nand Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-04-2026 Heard learned counsel for the petitioner, learned

counsel for the State, and learned counsel for respondent No.

10, who appeared *suo motu* in this case and filed I.A. No. 01 of

2026.

Re: I.A. No. 01 of 2026



2. The present I.A. No. 01 of 2026 has been filed by private respondent No. 10 for hearing on a priority basis.

3. Learned counsel for respondent No. 10 submits that, since the hearing is going on today itself, I.A. No. 01 of 2026 has become infructuous and he is not pressing the same.

4. Accordingly, I.A. No. 01 of 2026 hereby stands dismissed as having become infructuous.

Re: CWJC No. 8398 of 2025

5. The present writ petition has been filed for the following reliefs:-

(i) For issuance of an order, direction or writ in the nature of CERTIORARI for quashing order dated 29.03.2025 (Annexure-5) passed by Additional District Magistrate-cum-First Appellate Authority, District- Darbhanga in vide No. 999990121124518868/1A dated 20.02.2025 whereby and whereunder the direction has been given to Public Authority Block Development Officer to hold Gram Sabha again in his observation and selection of Sanitation Supervisor should be done, observing concerned provisions giving Public Notice including notice to Applicant of Gram Panchayat Raj, Katma, Bahuarwa. Block- Manigachhi, District- Darbhanga.



(ii) For issuance of an order direction to declare that the order dated 31.01.2025 passed by Sub- Divisonal Public Grievance Redressal Officer, Darbhanga, whereby and whereunder it has been held that selection of petitioner has been done on the basis of unanimous decision of the Gram Sabha wherein petitioner has been found most competent candidate among all applicants. The Gram Sabha has been held on dated 15.08.2024.

(iii) For issuance of an order, direction for declaration that selection of petitioner on the post of Sanitation Supervisor by Mukhiya/Panchayat Secretary, Gram Panchayat Raj, Katma, Bahuarwa by holding Gram Sabha on dated 15.08.2024 is correct and in accordance with concerned provisions.

(iv) For further issuance of an order, direction to concerned respondents to let petitioner continue on the post of Sanitation Supervisor under Gram Panchayat Raj, Katma, Bahuarwar, Block- Manigachhi, District- Darbhanga.

(v) For any other relief or reliefs for which petitioner may be found entitled in the facts and circumstances of the case.

6. Learned counsel for the State raises a preliminary



objection and submits that the order under challenge dated 29.03.2025 (Annexure-5) was passed by the Additional District Magistrate-cum-First Appellate Authority, District Darbhanga, on 20.02.2025. Counsel submits that, in the said impugned order, it is already indicated in the last two lines that a person aggrieved by the order passed by the First Appellate Authority shall prefer an appeal within 30 days before the Second Appellate Authority, i.e., the District Magistrate, Darbhanga-cum-Second Appellate Authority. Counsel further submits that, instead of challenging the said order before the Second Appellate Authority, the petitioner has preferred the present writ petition directly.

7. Learned counsel for private respondent No. 10 submits that respondent No. 10 has moved before the Second Appellate Authority, but the Second Appellate Authority has not passed any order on merit, on the ground that the present writ petition, i.e., CWJC No. 8398 of 2025, is still pending before Hon'ble High Court.

8. In light of the submissions made above, it transpires to this Court that the District Magistrate, Darbhanga-cum-Second Appellate Authority is the competent authority to decide the dispute at this juncture, but, due to the pendency of



the present writ petition, he has restrained himself from passing any order on merits. It is for this reason, the present writ petition stands disposed of, granting liberty to the petitioner as well as private respondent No. 10 to present this order before the District Magistrate, Darbhanga-cum-Second Appellate Authority, who shall pass order on merits, after hearing both the petitioner and respondent No. 10, within 90 days from the date of production of this order.

9. It is made clear that the said period of 90 days shall be counted from the date of completion of appearance of all the parties. The order shall be passed in the pending appeal, if any, challenging the order passed by the First Appellate Authority, which is impugned herein dated 29.03.2025 (Annexure-5) passed by Additional District Magistrate-cum-First Appellate Authority, District- Darbhanga.

(Dr. Anshuman, J.)

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