

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.765 of 2025
In
Civil Writ Jurisdiction Case No.4696 of 2025

Lakhan Kumar Son of Jhagru Mandal, Resident of village- Masaha, Ward No. 3, P.O. - Koriya, P.S.- Parihar, District- Sitamarhi.

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
3. The District Level Monitoring Committee through the District Magistrate, Sitamarhi.
4. The District Panchayati Raj Officer, Sitamarhi, Bihar.
5. The Mukhiya, Gram Panchayat Pipra Bishanpur, Sitamarhi, Bihar.
6. The Panchayat Secretary, Gram Panchayat Pipra Bishanpur, Sitamarhi, Bihar.
7. The Ward Implementation and Management Committee, Gram Panchayat Pipra Bishanpur, Ward No.3, Sitamarhi through its Chairman.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Nilesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Government Advocate (5)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-02-2026

This Letters Patent Appeal has been filed by the
appellant Lakhan Kumar challenging the order dated



24.03.2025 passed by the learned Single Judge in C.W.J.C. No. 4696 of 2025, in which his writ petition has been dismissed on the sole ground that the petitioner-appellant had not approached the Court with clean hand.

2. The aforesaid writ petition was filed by the appellant seeking for following reliefs:

“1. i. For a direction to the Respondents to make payment of the arrears of the honorarium due to the petitioner along with applicable incentives.

ii. For a further direction to the Respondents to provide the necessary training and other facilities to the Petitioner in connection with his appointment as an Anurakshak under the Mukhyamantri Gramin Peyjal Nischay Yojana.

iii. For a direction to the Respondents to initiate appropriate inquiry into the defalcation of scheme funds by the current Chairman of the Ward Implementation and Management Committee, Gram Panchayat Pipra Bishanpur, Ward No. 3, namely, Meena Devi.

iv. For a direction to the Respondents to pay costs and compensation to the Petitioner for the delay in clearing his legitimate dues.”

3. When the matter was taken up on 24.03.2025, a submission was made on behalf of the learned counsel for the State that the writ-petitioner has not come before the Court with clean hand and to substantiate the submission, attention was drawn to the representation of the petitioner, which was



submitted before the District Magistrate, Sitamarhi. Learned counsel for the State also produced the order dated 13.07.2023 passed in C.W.J.C. No. 2429 of 2023, which was mentioned in the representation of the petitioner to show that the writ petitioner had not filed such writ petition, i.e., C.W.J.C. No. 2429 of 2023.

After hearing the learned counsel for the respective parties and perusing the order dated 13.07.2023 passed in C.W.J.C. No. 2429 of 2023, the learned Single Judge has been pleased to observe in paragraph no. 9 as follows :

“9. Having heard the counsel for the parties and perused the materials on record and also perused the order dated 13.07.2023 passed in CWJC No. 2429 of 2023 which was produced by the learned counsel for the State and the same was mentioned by the petitioner in his representation dated 11.09.2024, it appears that the petitioner has not moved before this Court with clean hands and on the sole ground that the petitioner has not come before this Court with clean hand, this writ petition is fit to be dismissed.”

4. Learned counsel for the appellant submitted that the representation has been annexed to the writ petition as Annexure P/7 series and in the said representation, the appellant has just referred to the order passed in C.W.J.C. No. 2429 of 2023 and the copy of the order has also been annexed to the



said representation and, therefore, no wrong information has been provided to the authorities concerned for considering the representation and, therefore, the submission that was made by the learned counsel for the State that the writ-petitioner has not come before the court with clean hand cannot be accepted. Therefore, the acceptance of such submission by the learned Single Judge is erroneous and since there is perversity in the impugned order, the same may be set aside.

5. Law is well settled that the Division Bench can disturb the order of the learned Single Judge, if it is shown that it is perverse and based on no evidence. After perusing the representation which was filed by the appellant/writ-petitioner before the concerned authorities, we are of the view that neither in the petition nor in the representation the writ petitioner has tried to mislead the authorities concerned or placed any incorrect fact, therefore, the submission which was made by the learned counsel for the State that the appellant has not come to the court with clean hand is not acceptable and on the basis of such submission, the dismissal of the writ petition was not proper and justified.

6. Accordingly, the impugned order dated 24.03.2025 passed by the learned Single Judge in C.W.J.C. No. 4696 of



2025 is set aside. The matter be placed before the assigned Bench.

7. The Letters Patent Appeal is allowed.

8. Interlocutory Application, if any, shall stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Nani Tagia, J)

Shailendra/
Narendra

AFR/NAFR	
CAV DATE	
Uploading Date	10.02.2026
Transmission Date	

