

(2025) 07 PAT CK 1299

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.10719 of 2025

Jay Prakash Prabhakar

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 15-07-2025

Acts Referred:

Bihar Gram Katchahry Nyay Mitra (Employment, Service Conditions and Duties) Rules, 2007 — Rule 12, 13

Citation : (2025) 07 PAT CK 1299

Hon'ble Judges : Anshuman, J

Bench : Single Bench

Advocate : Dhananjay Kumar

Final Decision : Disposed Of

Judgement

Anshuman, J

1. 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 ,appropriate writ in the nature of mandamus to declare the petitioner as successful candidate in the final result for

"Empanelment of Nyay Mitra In Gram Katchahry, Dawath, Dist- Rohtas" and give joining for the said post.

II. For issuance of appropriate writ in the nature mandamus to superintendent of Police, Rohtas to issue fresh character certificate and after that respondent authorities may be directed to give joining to the petitioner on the post of Nyaymitra In Gram Katchahry, Dawath, Dist- Rohtas.

III. For any other relief or reliefs for which petitioner is entitled for."

3. Learned Counsel for the State raised preliminary objection and submits that the matter is relating to the appointment of Nyaymitra in Gram Katchahry and

for appointment of Nyaymitra, there is a forum in the said Rule. It is due to this reason, he submits that this writ petition is not maintainable.

4. Upon perusal of the Bihar Gram Katchahry Nyay Mitra (Employment, Service Conditions and Duties) Rules, 2007, which has been notified by the Government of Bihar, Panchayati Raj Department, Notification No.1338/Patna dated 23.08.2008, whose Rules 12 and 13 States as follows:-

"12. Complaint.-Any complaint regarding employment of Nyaya Mitra of Gram Katchahry on contract basis may be filed before the concerned Sub-Divisional Magistrate within 30 (thirty) days of such employment under these Rules, Sub- Divisional Magistrate shall be competent to take decision on the complaint received.

Sub-Divisional Magistrate concerned shall give his decision on the complaint received not later than 30 days.

13. Appeal.- Any appeal against the decision of Sub-Divisional Magistrate may be filed before the District Magistrate concerned within thirty days from taking such decision, hearing of which shall be made by District Magistrate or an officer equivalent to the rank of Additional District Magistrate authorised by him. Order shall be passed after the hearing is completed."

5. It transpires to this Court that liberty for which the petitioner has moved here is available to him by way of filing complaint before the Sub-Divisional Magistrate, Bikramganj, Rohtas, under Rule 12 of the Bihar Gram Katchahry Nyay Mitra (Employment, Service Conditions and Duties) Rules, 2007.

6. In this view of the matter, this writ petition is disposed off granting liberty to the petitioner to avail his remedy under Rule 12 by way of filing complaint before the Sub-Divisional Magistrate, Bikramganj, Rohtas, within 30 days from today.

7. It is made clear that delay, if any, in filing the complaint is hereby directed to be condoned. The Sub-Divisional Magistrate, Bikramganj, Rohtas, shall pass order on the complaint of the petitioner within 30 days from the date of appearance of all concerned.