

(2025) 07 PAT CK 1302

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.3507 of 2017

Sunil Kumar Gupta

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 15-07-2025

Acts Referred:

Citation : (2025) 07 PAT CK 1302

Hon'ble Judges : Anshuman, J

Bench : Single Bench

Advocate : Sharda Nand Mishra, Archana Meenakshee, Prabhat Ranjan, Rana Veer Prawar, Harish Singh

Final Decision : Dismissed

Judgement

Anshuman, J

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following relief/s:-

"I. For quashing of the order dated 21.10.2016 passed by the District Magistrate, Gaya in Misc. Case no.06 of 2015 (annexed as Annexure-7) by which appeal filed by the petitioner has been rejected and affirmed the order dated 18.06.2015 passed by Sub-Divisional Magistrate, Sherghati, Gaya in Misc. Case no.388/2015.

II. For quashing of the order dated 18.06.2015 passed by the Sub-Divisional Magistrate, Sherghati, Gaya in Misc. Case no.388 of 2015 (annexed as Annexure-5 series).

III. For quashing of the report submitted by the B.D.O. Amas vide Memo no.801 dated 16.06.2015.

IV. For giving other consequential benefits attached to the post to the petitioner."

3. Learned counsel for the petitioner submits that petitioner is a practicing

Advocate at Sub-Divisional Court, Sherghati, since 1990 and he comes within the category of O.B.C. Counsel submits that the respondent Selection Committee issued a vacancy for appointment of Nyay Mitra within the Gram Katchahri Sawankala and the petitioner has participated in the said process for appointment of Nyay Mitra.

Thereafter, the Selection Committee prepared a merit list and as per the reservation roaster, the post of Nyay Mitra of Gram Katchahri Sawankala is within the reservation category of O.B.C. Counsel submits that the appointment letter has been issued to the petitioner and he submitted his joining on 18.12.2008. Counsel submits that soon after selection on the post of Nyay Mitra in panchayat Sawankala, he was sent for completion of training and thereafter, he joined and started working as Nyay Mitra. The petitioner after joining started discharging his duties, but the wages as salary has not been paid to him for which, petitioner filed an application before the respondents. Thereafter, Sub-Divisional Officer, Sherghati Gaya issued a letter dated 20.03.2010 and requested to take action for payment of the wages to the petitioner, since December 2008 to 09.07.2009 and further directed to make payment of wages to the petitioner since 2008.

4. Learned counsel for the petitioner further submits that due to non-payment, the petitioner has filed application before the Panchayati Raj Officer, Gaya, but the same has not been considered. Thereafter, petitioner filed application before the S.D.O., Sherghati, Gaya under rule 12 of the regulation 2007 for payment of the wages and then, the S.D.O. without calling record of the selection from the Selection Committee and a report called from the B.D.O., Amas, Gaya as a table frame report submitted on the basis of order dated 18.06.2015 passed in Misc. Case no.388 of 2015, rejected the case of the petitioner without considering the application of mind. Counsel submits that upon perusal of the orders dated 22.05.2015, 13.06.2015 & 15.06.2015, it is clear that no member of the Selection Committee of Gram Katchahri, Sawankala has produced the record of the petitioner's case then, how the B.D.O submitted report about selection of the petitioner. Counsel submits that the order has been passed without due enquiry report and therefore, he submits that the decision of S.D.O., Sherghati, Gaya is absolutely illegal and fit to be set aside. Counsel submits that under the statutory rule for appointment of Nyay Mitra, petitioner has preferred appeal under Rule 13 before the District Magistrate, Gaya. But, the District Magistrate, Gaya has passed order on 21.10.2016 in a routine manner and rejected the claim of the petitioner. Counsel submits that neither the S.D.O., Sherghati, Gaya, nor the B.D.O. Amas, Gaya and nor the District Magistrate, Gaya have taken any pain for calling the records of the selection of Nyay Mitra in Gram Katchahri, Sawankala, rather, submitted a report on the basis of corresponding letters. Counsel submits that the action of the respondents are absolutely illegal, arbitrary and unjustified. Counsel relied on the appointment letter which has been annexed as Annexure-1. He submits that in the said appointment letter, the Sarpanch has signed and he has accepted his joining also. Counsel further submits that being aggrieved and dissatisfied with both the orders passed by the S.D.O, Sherghati,

Gaya as well as order passed by the District Magistrate, Gaya, the petitioner has moved before this Hon'ble Court and filed the present writ petition.

5. Learned counsel for the State on the other hand submits that the counter affidavit has been filed annexing the report of the proceedings. Counsel has also produced the original proceeding book.

6. Upon perusal of the said proceeding book, it transpires that it has been acknowledged by the Sarpanch that consent has not been received from the petitioner. From the record, it also transpires to this Court that the petitioner has not presented himself before the committee, then the question of issuance of appointment letter by the signature of Sarpanch appears to be incorrect. It transpires to this Court that the S.D.O., Sherghati, Gaya as well as the District Magistrate, Gaya has categorically indicated that no detail relating to appointment is available in the record. It transpires to this Court also that the proceeding with regard to his appearance before the committee is available.

7. Learned counsel for the petitioner has put emphasis that this appointment is alleged to be of the year 2008 and presently, 2025 is going on, it is impossible to believe that for such a long period, the panchayat is running without Nyay Mitra.

8. In this regard, learned counsel for the State specifically submits that the State respondent has categorically indicated in the counter affidavit that the appointment of Nyay Mitra in the said Panchayat Sawankala could not be made and panchayat is still running without any Nyay Mitra.

9. In this background and findings upon perusal of the copy of the register as well as upon perusal of the original copy, this Court is of the firm view that the petitioner has not present himself before the committee and hence, the claim of the petitioner is rightly not been considered either by the S.D.O or by the District Magistrate. State respondent is directed to complete the process of appointment of Nyay Mitra by advertising afresh within six months from today.

10. Accordingly, this writ petition stands dismissed with aforesaid observation.