



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6638 of 2025

1. Tejan Sahani son of Late Sukun Sahani, Resident of Village- Ahmadpur Urf Hasanpur Majhauri, PS-Baligaon, District- Vaishali Bihar.
2. Ramashish Sahni son of Late Prayag Sahni, Resident of Village- Ahmadpur Urf Hasanpur Majhauri, PS-Baligaon, District- Vaishali Bihar

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Addl. Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
3. The Principal Secretary Rural Works Department Govt. of Bihar, Patna.
4. The Divisional Commissioner, Tirhul Division, Muzaffarpur.
5. The District Magistrate, Vaishali at Hajipur.
6. The Deputy Development Commissioner Vaishali at Hajipur.
7. The Block Development Officer, Patepur, District- Vaishali
8. The Programme Officer, MANREGA, Patepur Block, District- Vaishali.
9. The Mukhiya, Gram Panchayat Raj Ladho, Block- Patepur, District- Vaishali.
10. The Panchayat Rojgar Sevak, Gram Panchayat Raj Ladho, Block Patepur, District- Vaishali.

... .. Respondents

Appearance :

For the Petitioners : Mr. Rakesh Ranjan, Advocate
For the Respondents : Mr. P.K. Shai, Advocate General

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 04-12-2025

In the instant petition, petitioners have prayed for the

following relief(s) :-

(i) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to make





detail enquiry from an Independent Agency about the MANREGA schemes done in Gram Panchayat Raj, Ladho under Patepur Block of Vaishali District on the ground that without doing the work on the ground under MANREGA Scheme in the said Panchayat the Mukhiya and other officers attached with the said scheme embezzled the fund.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to take suitable action against the erring persons, if they are found guilty in the enquiry in misappropriation of public money.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

2. A counter affidavit has been filed on behalf of Respondent Nos.5 to 8. The following statements have been made in paragraphs 8 and 9 thereof:-

“8. That the statement made in Para-6 & 7 of the writ petition, it is submitted that on the complaint of petitioners (villagers filed a complaint before the District Magistrate on 01/10/2024 and the Divisional





Commissioner Tirhut Division, Muzaffarpur on 11/09/2024 with recommendation made by the member of MLA on 01/09/2024 wherein the petitioner categorically mentioned that the scheme of Manrega which was not done on the ground rather the Mukhiya in connivance with the officers attached with the said scheme had withdrawn the entire amount of scheme and made a request for a detail enquiry in this matter and to take suitable lawful action against the erring persons, the District Rural Development Agency, Vaishali as per order vide Memo no.114 dated 10/01/2025 constituted an enquiry committee headed with Director DRDA and Members (1) District Programme Officer, Manrega Vaishali (2) Executive Engineer, Manrega, Vaishali and directed to complete the enquiry on the issues mentioned in complaint and ensure to submit enquiry report within a week time copy of the said order sent to all concerned officers.

9. That the statements made in Para-8 to 16 of the writ petition, the allegations against the respondent authorities are not correct. The enquiry is in process and those persons found guilty, suitable action would be taken against them in accordance with law.”





3. Further, a supplementary counter affidavit has been filed on behalf of Respondent Nos. 5 to 8. The following statements have been made in paragraphs 6 to 12 thereof :-

“6. That it is further stated here that in compliance of the said order, the Joint Enquiry Committee conducted a detailed enquiry, verified the relevant records, examined the site and submitted its consolidated report. The report found some irregularities and instances of negligence on the part of certain officials, but no large-scale misappropriation or systemic fraud as alleged.

7. That it is stated here that the enquiry found that during the Covid-19 period, payments amounting to Rs. 14,730/- were made in the names of deceased beneficiaries which occurred due to mistaken identity when masked labourers were working in compliance with pandemic safety norms. Similarly, a payment of Rs. 3,420/- was made in March 2024 in the name of a deceased beneficiary, indicating negligence. Accordingly, recovery of these small amounts and minor disciplinary proceedings were recommended against the concerned





functionaries.

8. That it is stated here that the Committee further noted some measurement discrepancies in a few works and recommended recoveries of Rs. 8,881/-, Rs. 35,632/-, Rs. 55,608/-, Rs. 1,000/-, Rs. 36,987/-, Rs. 26,308/-, Rs. 25,308/-and Rs. 17,816/- respectively from specific officials as per paragraph-5 of the enquiry report, totaling a recoverable sum from the concerned personnel.

9. That it is stated here that based on the said enquiry report, the Deputy Development Commissioner, Vaishali issued memo no. 3098 dated 16.09.2025, directing the concerned officials to deposit the recovery amounts in the State Nodal Account within one week and to submit their explanations for further disciplinary proceedings.

10. That it is further stated here that the Hon'ble Court, vide order dated 12.09.2025, directed the respondent no. 5 to 8 to furnish the latest status of enquiry in light of the constitution of the enquiry committee dated 10.01.2025 before the next date of hearing. Thereafter, vide order





dated 26.09.2025, the matter was relisted on 10.10.2025 for compliance as a last chance.

11. That it is stated here that in compliance with the aforesaid direction of the Hon'ble Court, the office of the Deputy Development Commissioner, Vaishali, has furnished the latest enquiry report and correspondence vide letter no. 3368 dated 10.10.2025 to the Incharge District Legal Cell, Vaishali, enclosing all relevant documents including the enquiry findings and follow-up action taken.

12. That it is further stated here that the enquiry pursuant to memo no. 114 dated 10.01.2025 has been duly conducted by the competent authority and necessary departmental and recovery actions have already been initiated against the erring officials as per law.”

4. From perusal of the above referred paragraphs of the counter affidavit and supplementary counter affidavit, it is evident that an enquiry has been duly conducted by the competent authority and necessary departmental and recovery actions have been initiated against the erring persons in





accordance with law. Considering the same, we find no reason to pass any further order in the present writ application.

5. It is expected that the action which has been taken in furtherance to the said enquiry shall be brought to a logical conclusion at the earliest by the concerned authority.

6. Accordingly, the present writ application stands disposed of.

7. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Alok Kumar Pandey, J.)

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gaurav kumar/-

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