

Patna High Court - Orders

Rajendra Prasad Yadav vs The State Of Bihar & Ors on 28 January, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.16901 of 2010

RAJENDRA PRASAD YADAV .

Versus

THE STATE OF BIHAR & ORS .

For the Petitioner:- Mr. Soni Shrivastava, Adv.

Mr. Anil Prasad Sinha, Adv.

Mr. Anjani Kumar Jha, Adv.

For the Respondents :- Mr. Sanjay Kumar Giri, Adv.

3. 28.01.2011 Heard learned counsel for the petitioner and the State.

The petitioner was unseated from an elected post of a Mukhiya by the impugned order dated 20.09.2010 in exercise of power under Section 18(5) of the Bihar Panchayat Raj Act, 2006 on ground of misconduct/abuse of power for having made certain appointments of teachers contrary to law.

Learned counsel for the petitioner submits that the teachers whom the petitioner was alleged to have wrongly appointed questioned their removal before this Court and the writ petitions have been allowed, the teachers reinstated.

Despite adjournment granted, no counter affidavit has been filed. Prayer is made for further adjournment which the Court declines.

If what the petitioner contends is correct, the impugned order has become non-est by reason of orders of this Court setting aside the termination of those, the petitioner is alleged to have illegally appointed.

The matter is remanded to the Principal Secretary, Panchayat Raj Department to pass a reasoned and speaking order in light of the aforesaid discussions confined and limited to the ground in the order dated 20.9.2010.

Let such fresh order be passed within a maximum period of two weeks from the date of receipt/production of a copy of this order. It is expected that the order of this Court in C.W.J.C. No. 753 of 2011, shall be adequately considered and dealt with by the Principal Secretary also.

The writ application stands disposed.

P. Kumar

(Navin Sinha, J.)