

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22455 of 2013

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Babita Devi, Wife of Rahul Kumar, Resident of Village- Kabira, P.O.- Kabira, P.S.- Salkhua, District- Saharsa, Elected Pramukh of Salkhua Block, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Panchayati Raj, Government of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The District Panchayat Raj Officer, Saharsa.
5. The Sub Divisional Officer, Simri Bakhtiyarpur, District- Saharsa.
6. The Executive Officer cum Block Development Officer, Salakhua Block, District- Saharsa.
7. The State Election Commission, Bihar, Patna through its Commissioner.
8. The Secretary, the State Election Commission, Bihar, Patna.
9. The Joint Election Commissioner cum Additional Secretary, State Election Commission, Patna.
10. Punam Kumari, Wife of Lal Bujhakar Shastri, Up-Pramukh, Salakhua Block, P.S.- Salakhua, District Saharsa.
11. Smt. Shanti Devi, Wife Of Kamali Sada, Member of Panchayat Samiti, Chanan East, Salakhua Block, P.S.- Salakhua, District Saharsa.
12. Smt. Mala Devi, Wife of Bino Ram, Member of Panchayat Samiti, West Chanan, Block- Salakhua, P.S.- Salakhua, District- Saharsa.
13. Smt. Sainla Devi, Wife of Rohit Chaudhary, Member of Panchayat Samiti, Alani, Block Salakhua, P.S.- Salakhua, District Saharsa.
14. Sri Chhatri Kumar, Son of Suban Yadav, Member of Panchayat Samiti, Gordah West, Block -Salakhua, P.S.- Salakhua, District Saharsa.
15. Sri Nath Bihari Yadav, Son of Late Gujar Yadav, Member of Panchayat Samiti, East Gordah, Block- Salakhua, P.S.- Salakhua, District- Saharsa.
16. Sri Ganesh Thakur, Son of Babu Lal Thakur, Member of Panchayat Samiti, Utesra, Block- Salakhua, P.S.- Salakhua, District- Saharsa.
17. Smt. Sadika Begum, Wife of Md. Nakib Alam, Member of Panchayat Samiti, Harewa North, Block- Salakhua, P.S.- Salakhua, District- Saharsa.
18. Taqui Ahmad, Son of Late Razi Ahmad, Member of Panchayat Samiti, Harewa South, Block- Salakhua, P.S.- Salakhua, District Saharsa.
19. Manoj Choudhary, Son of Late Prithvi Choudhary, Member of Panchayat Samiti, Mobarakpur, Block- Salakhua, P.S.- Salakhua, District- Saharsa.
20. Smt. Shanti Devi, Wife of Babu Lal Yadav, Member of Panchayat Samiti, West Koparia, Block- Salakhua, P.S.- Salakhua, District Saharsa.
21. Smt. Sukhunta Devi, Wife of Sri Deep Narayan Yadav, Member of Panchayat Samiti, East Koparia, Block Salakhua, P.S.- Salakhua, P.O.- Koparia, District- Saharsa.
22. Sri Sikandara Barahi, Son of Kuldeep Barahi, Member of Panchayat Samiti, Situaha, Block- Salakhua, P.S.- Salakhua, District Saharsa.
23. Tuntun Choudhary, Son of Late Siya Ram, Member of Panchayat Samiti, West Samharkhurd, Block Salakhua, P.S.- Salakhua, P.O. Alani, District- Saharsa.
24. Shiv Narayan Choudhary, Son of Late Asharfi Choudhary, Member of Panchayat Samiti, East Samharkhurd, Block- Salakhua, P.O. + P.S.- Salakhua, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi
Mr. Ajay Kumar Mishra

For the Respondent/s : Mr. Shankar Kr. Choudhary, AC to AAG-14

For Respondent-SEC : Mr. Amit Shrivastava

Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-10-2015

Heard the parties.

The petitioner is an ex-Pramukh of Panchayat Samiti, Salakhua in the district of Saharsa and has been unseated in the *no confidence motion* passed on 8.10.2013.

The only issue that was raised by the petitioner to question the motion is that the notice was not served on the petitioner but perusal of the statement made by the State in the counter affidavit more particularly in paragraph 4 thereof manifests that a notice in this regard was attempted to be served on the petitioner but she refused to accept the same and as a consequence the motion was moved and passed against the petitioner. It is following the *no confidence motion* that a fresh election was held on 6.11.2013 and when one Shanti Devi has been elected new Pramukh. The petitioner has not chosen to question the same.

In the circumstances discussed and in absence of any challenge to the election of new Pramukh, the issue raised has become academic and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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