

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19270 of 2015

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Vinod Ram @ Binod Ram @ Vinod Gautam Son of late Muni Ram
Resident of Village- Chenari, P.O Chenari, P.S Chenari, District Rohtas at
Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The District Padadhikari, Rohtas ,Sasaram.
4. The District Panchayati Raj Padadhikari, Rohtas Sasaram.
5. The D.C.L.R. Sasaram, Rohtas.
6. The Executive Officer cum Prakhand Vikas Padadhikari, Chenari,
Rohtas.
7. Smt. Shakuntala Devi, wife of not known, Up-Pramukh, Prakhand
Chenari, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.

For the Respondent/s : Mr. P.K. Singh, SC-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-12-2015 Heard Mr. Jai Prakash Singh, learned counsel for the
petitioner and Mr. Sanjeev Kumar, AC to SC-12.

The petitioner is the Ex-Pramukh of the Panchayat Samiti,
Chenari in the district of Rohtas and is aggrieved by the no
confidence motion passed against him on 4.11.2015 vide
proceedings of the special meeting present at Annexure-6.

Mr. Jai Prakash Singh, learned counsel appearing for the
petitioner has questioned the motion on the following grounds:

- (a) There has been repeated adjournments in the meeting

and in view of the statutory stipulations underlying Section 44(3)(i) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') once a meeting is called it cannot be adjourned and the very adjournment has rendered the special meeting invalid; and

(b) No motion can be moved within 6 months of the expiry of the tenure of the Panchayat.

Arguments have been contested by the learned counsel for the State.

I have heard learned counsel for the parties and perused the records.

Apart from the fact that the two issues raised by learned counsel are not supported by the facts present on record for this is not a case where a meeting has been adjourned rather it is a case where the date of meeting having been fixed, before the same could take place, it has been adjourned. Thus it is not a case where the special meeting was held, the members participated and whereafter an adjournment took place.

Coming to the second issue raised, considering that the motion was moved beyond the period of six months from the expiry of the Panchayat, vide requisition moved on 22.8.2015 it does not fall within the provisions of Section 44(3) (iv) of 'the

Act’.

Besides the proceedings of the special meeting present at Annexure 4 reflects that the petitioner has participated in the meeting and contested the motion followed by casting of ballots in which 11 members out of 13 members present in the 16 Member Samiti have voted in favour of the motion leading to the ouster of the petitioner.

Thus neither the issues raised is sustainable on merits nor is the petitioners entitled to raise the same on the principles of waiver. The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/Deepika-

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