

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1552 of 2013

IN

Civil Writ Jurisdiction Case No. 14610 of 2013

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1. Ajay Kumar, S/o Ramji Singh, Resident of Village- Machchariyawan, P.O- Bankipur Machchariyawan, P.S- Fatuha, District- Patna.
 2. Renu Kumari, W/o Umakant Kumar, Resident of Village+ P.O- Sigariyawan, P.S- Shahjahanpur, District- Patna.

.... Appellants

Versus

1. The State of Bihar through, the Principal Secretary, Panchayati Raj, Government of Bihar, Patna
2. The Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
3. The Director, Panchayati Raj, Government of Bihar, Patna.
4. The Collector- cum- District Magistrate, Patna.
5. The District Panchayat Raj Officer, Patna, District- Patna.
6. The Block Development Officer, Block- Daniyawan, District- Patna.
7. Shailendra Kumar Verma Father's name not known to the petitioner, Presently posted as Block Development Officer, Block- Daniyawan, District- Patna.
8. Prabhat Kumar Ranjan, S/o Sri Parmanand Singh, Resident of Village- Ghoranpura, P.O- Bankipur Machchariyawan, P.S- Fatuha, District- Patna.
9. Bablu Kumar, S/o Sri Ram Pravesh Ram, Resident of Village+ P.O+ P.S- Daniyawan, District- Patna.
10. Sneh Lata Sinha, W/o Prakash Ranjan Sinha, Resident of Village- Aimanbigha, P.O- Kanchanpur, P.S- Shahjahanpur, District- Patna.
11. Kalpana Sindhu, W/o Vimlesh Kumar, Resident of Village- Sarathua, P.O- Tope, P.S- Shahjahanpur, District- Patna.
12. Pallavi Bharti, W/o Sri Bindu Prasad Sinha, Resident of Village+ P.O+ P.S- Shahjahanpur, District- Patna.
13. Rajendra Rajak, S/o Late Sitaram Rajak, Resident of Village+ P.O- Salarpur, P.S- Daniyawan, District- Patna.
14. Kamlesh Kumar, S/o Late Gopal Prasad, Resident of Village- Faridpur, P.O- Pirbarhauna, P.S- Daniyawan, District- Patna.

.... Respondents

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Appearance :

For the Appellants : Mr. S.B.K. Mangalam, Advocate.
For private respondents : Mr. Sanjeev Kumar, Advocate.
Mr. Amit Pandey, Advocate.
Mr. Alok Kumar, Advocate.
Mr. Rajesh Ranjan, Advocate.
For the State : Mr. Purnendu Singh, G.P. 27

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 16-04-2015

Heard learned counsel for the appellants and the counsel for Private Respondent No. 12, the newly elected Pramukh, Daniyawan.

2. Appellant Nos. 1, 2 are the erstwhile elected Pramukh, Up-Pramukh of Daniyawan Panchayat Samiti. They have filed this appeal assailing order of the learned Single Judge dated 30.10.2013 passed in C.W.J.C. No. 14610 of 2013, whereunder the said writ petition praying, inter alia, to quash Letter No. 1159 dated 15.07.2013 to requisition special meeting was dismissed on the ground that the requisition did contain the charges in support of the prayer made in the requisition. In the light of the aforesaid requisition notice bearing Letter No. 1221 dated 29.07.2013, Annexure-9 was issued but the same also did not contain the details of the charges levelled against the Pramukh, Up-Pramukh.

3. Learned Single Judge in the light of the pleadings filed by the parties including the proceedings of the meeting dated 08.08.2013 concluded that petitioners not only participated in





the special meeting but also contested the charges levelled against them. The proceedings of the meeting was also placed before the learned Single Judge vide Annexure-R-1A to the supplementary affidavit filed on behalf of Respondent Nos. 8,9,10, 12 and 13. Writ petitioners also challenged the order of the learned Single Judge with reference to the judgment of the Division Bench in the case of Meena Yadav & Anr. Vs. The State of Bihar & Ors. 2010 (2) PLJR 389. It appears from perusal of the said judgment that the Division Bench having considered the contents of the notice, found that the facts constituting allegations having not been mentioned in the notice considered in the reported case, quashed the proceedings taken pursuant to such notice. In the present case true it is that the notice issued pursuant to the requisition did not contain charges but in the requisition there were seven enclosures and the enclosures duly indicated the charges on the basis of which the writ petitioners appellants contested the same during the special meeting but when failed to convince the participants of the meeting, walked out of the

meeting and impugned resolution removing them was passed.

4. We see no illegality either in the proceeding taken on 08.08.2013 or in the order of the learned Single Judge. The Letters Patent Appeal is dismissed. In support of our finding we may also usefully refer to another judgment of the Division Bench of this Court in the case of Smt. Shamshad Khatun Vs. The State of Bihar & Ors. 2010 (1) PLJR 929.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

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