

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16983 of 2014

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Sangeeta Kumari, wife of Sri Rajan Kumar, resident of village-Agraul, P.O. Jahangirpur Lagma, P.S. Singhia, District-Samastipur, presently Pramukh of Block Panchayat Samiti, Singhia, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna
3. The Director, Panchayati Raj Department, Government of Bihar, Patna
4. The District Magistrate, Samastipur, District-Samastipur
5. The Sub-Divisional Officer, Rosera, District-Samastipur
6. The Block Development Officer, Singhia-cum-Executive Officer, Block Panchayat Samiti, Singhia, District-Samastipur
7. Sri Baidyanath Prasad Singh, son of Sitaram Singh, resident of village and P.O. Morwar, P.S. Singhia, District-Samastipur, presently Up-Pramukh of Block Panchayat Samiti, Singhia, District-Samastipur
8. Sri Ram Kumar Nayak, son of not known to the petitioner
9. Sri Chhedi Paswan, son of not known to the petitioner
10. Md. Israful, son of not known to the petitioner
11. Sri Vijay Kumar Paswan, son of not known to the petitioner
12. Sri Hemchandra Singh, son of not known to the petitioner
13. Sri Chhote Safi, son of not known to the petitioner
14. Smt. Punam Devi, wife of not known to the petitioner
15. Sri Baishakhi Singh, son of not known to the petitioner
16. Smt. Anuradha Kumari, son of not known to the petitioner
17. Smt. Kavita Devi, wife of not known to the petitioner
18. Smt. Rinku Kumari, wife of not known to the petitioner
19. Smt. Pushplata Tuntun, wife of not known to the petitioner
20. Smt. Durga Devi, wife of not known to the petitioner
21. Md. Farukh, son of not known to the petitioner
22. Smt. Dharamsheela Devi, wife of not known to the petitioner
23. Sri Shashi Bhushan Singh, son of not known to the petitioner
24. Sri Indradeo Giri, son of not known to the petitioner
25. Sri Amarnath Singh, son of not known to the petitioner
26. Md. Mustafa Maharaj, son of not known to the petitioner
27. Sri Ashok Chaudhary, son of not known to the petitioner
28. Smt. Rambha Devi, wife of not known to the petitioner
29. Smt. Jaimala Devi, wife of not known to the petitioner

Respondent nos. 8 to 29 are the members of the Block Panchayat Samiti, Singhia through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Singhia, P.O. and P.S. Singhia, District-Samastipur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. S.B.K. Manlam, Advocate
Mr. Ravi Ranjan, Advocate

Mr. Chandan, Advocate
 For the State : Mr. Rajnandan Prasad, SC-9
 For respondent nos. 7 to 10 and 12 to 22 :
 Mr. Pushkar Narain Shahi, Sr. Adv.
 Mr. Patanjali Rishi, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 09-07-2015

The petitioner is the Ex-Pramukh of Panchayat Samiti Singhia in the district of Samastipur and stands unseated on the basis of the 'no confidence motion' passed against her on 28.9.2014 vide proceedings, a copy of which is placed at Annexure-6 to I.A. No. 7593 of 2014.

Pursuant to the notice the private respondents have appeared through counsel Mr. Patanjali Rishi.

The limited issue on which the 'no confidence motion' is questioned by the petitioner is the non-compliance of the provisions of Section 44(3)(v) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act') by the Executive officer-cum-Block Development Officer, Singhia while issuing the notice convening special meeting on 28.9.2014 vide Memo No. 721 dated 20.9.2014 impugned at Annexure-5. The notice does not contain the reasons / charges on the basis of which the 'no confidence motion' has been convened and which is mandatorily required to be mentioned as per the provisions of Section 44(3)(v) of the Act. The invalidity in the notice convening special meeting on 28.9.2014 also invalidates the 'no confidence motion' passed

thereon and for the said reasons, the notice dated 20.9.2014 impugned at Annexure-5 as well as the 'no confidence motion' passed in the special meeting held on 28.9.2014 are set aside. The petitioner is restored to the post of Pramukh.

Considering that this Court finds no infirmity in the requisition so moved against the petitioner on 29.8.2014 and a period of almost 11 months is going to lapse, the petitioner would be well advised to fix the date of special meeting on or before 15.7.2015 failing which the requisitionists shall be at liberty to fix the same by virtue of the powers conferred in them under the provisions of 'the Act' and this time if the Executive officer-cum-Block Development Officer shall commit any statutory violation in issuing the notice and would not abide by the statutory provisions of Sections 44(3)(v) and Section 46(4) of 'the Act', it would be treated as a contempt of this Court's order. The Executive Officer, Panchayat Samiti is warned to be careful in future.

The writ petition is allowed with the direction aforementioned.

I.A. No. 7593 of 2014 stands disposed of.

(Jyoti Saran, J)

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