

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22264 of 2014

With
I.A. No.192 of 2015

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Geeta Devi, wife of Sri Mukesh Sah, resident of village and P.O. Bakhari, P.S. Patahi, District- East Champaran at Motihari, Pramukh of Block Panchayat Samiti, Patahi, P.O. & P.S. Patahi, District - East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran at Motihari, District East Champaran at Motihari.
5. The Sub-Divisional Officer, Pakari Dayal, District East Champaran at Motihari.
6. The Block Development officer, Patahi -cum- Executive Officer, Block Panchayat Samiti, Patahi District - East Champaran at Motihari.
7. Sri Ramesh Chandra Mishra, son of not known to the petitioner.
8. Sri Devendra Yadav, son of not known to the petitioner.
9. Smt. Manti Devi, wife of not known to the petitioner.
10. Sri Triveni Sah, son of not known to the petitioner.
11. Sri Gajendra Ram, son of not known to the petitioner.
12. Smt. Shanti Devi, wife of not known to the petitioner.
13. Smt. Manju Devi, wife of not known to the petitioner.
14. Sri Yogi Mahto, son of not known to the petitioner.
15. Sri Santosh Kumar Mishra, son of not known to the petitioner.
16. Smt. Chandarma Devi, wife of not known to the petitioner.
17. Sri Daroga Sah, son of not known to the petitioner.
18. Smt. Sabita Devi, wife of not known to the petitioner.
19. Smt. Nasu Devi, wife of not known to the petitioner.
20. Smt. Geeta Devi, wife of not known to the petitioner.
21. Sri Atikur Rahman, son of not known to the petitioner.
22. Sri Vedanand Jha, son of not known to the petitioner.
23. Sri Baldeo Paswan, son of not known to the petitioner.
24. Smt. Amrit Maya Devi, wife of not known to the petitioner.
25. Smt. Rita Devi, wife of not known to the petitioner.
26. Smt. Malti Devi, wife of not known to the petitioner.

Respondent nos. 7 to 26 are the elected Members of the Block Panchayat Samiti, Patahi through the Block Development officer cum Executive Officer, Block Panchayat Samiti, Patahi, P.O. & P.S. Patahi, District - East Champaran at Motihari.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.179 of 2015

With
I.A. No.279 of 2015

With
I.A. No.1483 of 2015

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Devendra Yadav, S/o Shri Sajawal Rai, resident of Village + P.O-
Vokanekala, P.S. - Patahi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran.
3. The District Panchayat Raj Officer, East Champaran.
4. The Sub-Divisional Officer, District- East Champaran.
5. The Executive Officer -cum- Block Development Officer, Block -
Patahi, District- East Champaran.
6. The State Election Commission, represented through its Secretary, State
Election Commission, Bihar, Sone Bhawan, 3rd, Veer Chand Patel Path,
Patna- 800001.
7. Smt. Geeta Devi, Pramukh W/o - Shri Mukesh Saw, Panchayat Samiti -
Patahi, resident of Village- Bakhari, P.O- Bakhari, P.S- Patahi,
District-East Champaran.
8. Shri Santosh Kumar Mishra, S/o not known to the petitioner.
9. Shri Vedanand Jha, S/o - not know to the petitioner.
10. Shri Ramesh Chandra Mishra. S/o - not known to the petitioner.
11. Shri Gajendra Rai, S/o - not known to the petitioner.
12. Shri Daroga Sah, S/o not known to the petitioner.
13. Shri Baldeo Paswan, S/o - not known to the petitioner.
14. Shri Jogi Mahto, S/o - Late Ram Ayodhya Mahto, resident of village-
Bela Baiju, P.O- Patahi, P.S- District- East Champaran.
15. Md. Atiqur Rahman, S/o - not known to the petitioner.
16. Shri Triveni Sah, S/o - not known to the petitioner.
17. Smt. Manju Devi, W/o - not known to the petitioner.
18. Smt. Malti Devi, W/o - not known to the petitioner.
19. Smt. Amritmaya Devi, W/o - not known to the petitioner.
20. Smt. Shanti Devi, W/o - not known to the petitioner.
21. Smt. Manti Devi, W/o - not known to the petitioner.
22. Smt. Chandrama Devi, W/o - not known to the petitioner.
23. Smt. Anshu Devi. W/o - not known to the petitioner.
24. Smt. Geeta Devi, W/o - not known to the petitioner.
25. Smt. Reeta Devi, W/o - not know to the petitioner.

Repondent Nos.7 to 25 are Members of Panchayat Samiti-
Patahi, District- East Champaran, represented through the Executive
Officer -cum- Block Development Officer, Patahi, East Champaran.

.... Respondent/s

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Appearance :

(In CWJC No.22264 of 2014)

For the Petitioner/s : Mr. S.B.K. Manglam
Mr. Chandan

For the Respondent-State : Mr. Harish Kumar, GP-32
(In CWJC No.179 of 2015)

For the Petitioner/s : Mr. Shri Prakash Srivastava
Mr. Rajeev Ranjan

For the Respondent-State : Mr. Kamal Kumar Sinha, AC to AAG-2

For State Election Commission : Mr. Amit Shrivastava
 Mr. Sanjeev Nikesh
 For the private respondents : Mr. S.B.K. Manglam
 Mr. Chandan

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 18-03-2015

Heard Mr. S.B.K. Manglam, learned counsel appearing for the petitioner in CWJC No.22264 of 2014 and Mr. Shriprakash Srivastava, learned counsel for the petitioner in CWJC No.179 of 2015, learned counsel for the State, learned counsel for the State Election Commission and learned counsel for the private respondents appearing in the respective cases.

Whereas the petitioner Geeta Devi happens to be the Pramukh of Panchayat Samiti, Patahi in the district of East Champaran, the petitioner Devendra Yadav happens to be the Up Pramukh of the said Panchayat Samiti. A requisition was moved against the two petitioners on 27.11.2014, a copy of which is placed at Annexure 1 to CWJC No.179 of 2015 which is in relation to the Pramukh and Annexure-12 to CWJC No.22264 of 2014 which relates to Up Pramukh.

It is the contention of the requisitionists that upon non-acceptance of the requisition despite several efforts made by them as well as by the staff of the Panchayat Samiti, that the Block Development Officer -cum- Executive Officer, Panchayat Samiti, Patahi was requested to notify the date of



special meeting which was duly notified on 26.12.2014 and in which **no confidence motion** was passed against the two petitioners. The motion of **no confidence** has been questioned by the two petitioners, inter alia on grounds of non-service of requisition in the manner provided and that the allegations are of identical nature in the two requisitions.

Exhaustive counter affidavit has been filed in CWJC No.22264 of 2014 by the requisitionists as well as the official respondents rebutting the issues raised and a bare perusal of the same reflects that several attempts were made by the office of the Panchayat Samiti to serve the requisition on the petitioner-Pramukh but without success and ultimately on the request of the requisitionists that the Executive Officer fixed the date of special meeting on 26.12.2014 in which meeting the motion of no confidence was passed against the petitioners. The records are self eloquent of the fact that it is upon deliberate avoidance of the Pramukh that the requisitionists proceeded as per the provisions underlying section 44(3) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') in fixing the date of special meeting and which has gone against these petitioners.

Although it has been strenuously argued by Mr. Manglam, learned counsel appearing for the Pramukh and Mr.

Shrivastava, learned counsel appearing for the Up Pramukh in trying to question the motion on grounds of non-service of requisition as well as identical nature of accusation constituting the requisition but this Court considering the records is not persuaded with either of the arguments and in consequence the two writ petitions are dismissed. The interlocutory applications stand disposed of.

(Jyoti Saran, J)

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