

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15075 of 2013

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Munjii Singh S/o Daddan Singh, resident of Village-Athapa, P.O-
Kolodehri, P.S- Chauri, Block- Sahar, District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The District Education Officer, Bhojpur at Ara.
5. The Assistant Election Officer, Bhojpur at Ara.
6. The Block Development Officer, Sahar, District- Bhojpur at Ara.
7. Ribha Devi W/o Anil Kumar Rai, resident of Village + P.O- Gulzarpur, P.S- Sahar, District- Bhojpur at Ara, At Present Pramukh Panchayat Samiti Sahar, District- Bhojpur at Ara.
8. Bishnu Shankar Prasad S/o Late Kedar Prasad Village- Chhattarpur, P.O- Paulo, Dehri, P.S- Chauri, Block- Sahar, District- Bhojpur, At Present Up-Pramukh, Panchayat Samiti, Sahar, Block- Sahar, District- Bhojpur at Ara.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-01-2015 Heard Mr. Sunil Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Dilip Kumar,

Assisting counsel to G.A.2.

The petitioner has questioned the resolution dated 12.7.2013 passed in the special meeting held for consideration of ‘no confidence motion’ moved against the respondent no. 7 i.e. the Pramukh and the respondent no. 8 who is the Up-Pramukh of the Panchayat Samiti, Sahar, District-Bhojpur at Ara whereby the motion was dropped.

According to the petitioner, even though the majority of the members of the Panchayat Samiti present in the special

meeting had voted in favour of the no confidence motion but yet the motion was dropped illegally.

I have heard learned counsel for the parties and I have perused the materials on record.

The facts are not in dispute. There are 17 members in the Panchayat Samiti inclusive of the Pramukh and the Up-Pramukh and of which 10 have participated in the special meeting. Since there are 17 elected members in the Samiti, hence for a motion to be passed in terms of Section 44(3) (i) of the Bihar Panchayat Raj Act, 2006 it needed not less than 9 persons to support the motion. The record of the proceedings manifests that only 8 of the elected members present in the special meeting had supported the motion moved against the Pramukh and the Up-Pramukh and which was definitely below the majority of 9 and it is in this background that the motions have been dropped. No infirmity thus can be found in the resolution passed in the special meeting held on 12.7.2013 dropping the no confidence motion moved against the private respondent nos. 7 and 8, warranting interference and this writ petition is accordingly disposed of.

S.Sb/-

(Jyoti Saran, J)

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