

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2918 of 2015

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Vinay Bihari Son of Late Pamanand Singh, Resident of Village + P.O. - Machhargawan Bazar, P.S. - Yogapatti, District - West Champaran presently residing at 33, Harding Road, P.O. - Shashtri Nagar, P.S. - Secretariat, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Bihar Legislative Assembly through the In-charge Secretary, Bihar Legislative Assembly Secretariat, Patna.
3. Shri Uday Narayan Chaudhary S/o Not Known to the petitioner, Presently the Speaker, Bihar Legislative Assembly, Patna Residing at Vidyapati Nagar, P.O. - G.P.O., P.S. - Gandhi Maidan, District - Patna.
4. The Deputy Speaker, Bihar Legislative Assembly, Patna.
5. Shri Jeetan Ram Manjhi, S/o Not Known to the petitioner, presently the Chief Minister of Bihar 1 Anne Marg, P.S. - Secretariat, District - Patna.

.... Respondents

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Appearance :

For the Petitioner :	Mr. Vinod Kanth, Sr. Advocate
	Mr. S.B.K. Manglam
	Mr. Ravi Ranjan,
	Mr. Chandan, Advocates
For the Respondents:	Mr. Lalit Kishore, Pr.AAG
	Mr. D.K. Sinha, AAG 2
	Mr. Y.V. Giri, Sr. Advocate
	Mr. P.K. Shahi, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-02-2015

This writ petition is filed as public interest litigation with a prayer to direct the respondent no.4 Deputy Speaker of the Bihar Legislative Assembly to conduct the confidence of motion on 20th of February, 2015.

The contention of the petitioner is that though it is

prerogative of the Speaker of the House to conduct the House even for discussing the motion of confidence; the sequence of events in the recent past is such that the petitioner and some of the Legislators do not have confidence of motion in the Speaker.

We heard Mr. Vinod Kanth, learned senior counsel for the petitioner and Mr. Y.V. Giri, and Mr. P.K. Shahi, learned senior counsel for the respondents in detail.

We are not inclined to entertain the writ petition. It hardly needs any mention that it is the sole prerogative of the Speaker of the House to conduct the proceeding. Leave alone outsiders, even Legislators cannot doubt the supremacy of the Speaker muchless he can insist that the proceeding must be conducted by the Deputy Speaker.

We, therefore, dismiss the writ petition as devoid of any merit. There shall be no order as to costs.

The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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