

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19617 of 2015

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Ranjana Singh, Wife of Sanjay Kumar Singh, resident of village- Batraha,
Police Station- Saharsa, District- Saharsa, presently Deputy Chairman,
Nagar Parishad, Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development & Housing Department,
Govt. of Bihar, Patna.
3. The District Magistrate, Saharsa
4. The Executive Officer, Nagar Parishad, Saharsa
5. The Chairman, Nagar Parishad, Saharsa
6. Shyam Jaiswal, Councilor, Ward No.22, Nagar Parishad, Saharsa
7. Jai Prakash Sharma, Councilor, Ward No.20, Nagar Parishad, Saharsa
8. Pankaj Kumar, Councilor, Ward No.30, Nagar Parishad, Saharsa
9. Rajendra Yadav, Councilor, Ward No.6, Nagar Parishad, Saharsa
10. Sajan Sjarma, Councilor, Ward No.37, Nagar Parishad, Saharsa
11. Ravindra Ram, Councilor, Ward No.33, Nagar Parishad, Saharsa
12. Md. Kaushar, Councilor, Ward No.31, Nagar Parishad, Saharsa
13. Tej Rani Devi, Councilor, Ward No.17, Nagar Parishad, Saharsa
14. Sita Devi, Councilor, Ward No.18, Nagar Parishad, Saharsa
15. Shiv Kumar Rajak, Councilor, Ward No.32, Nagar Parishad, Saharsa
16. Shanaz Khatoon, Councilor, Ward No.3, Nagar Parishad, Saharsa
17. Dinesh Yadav, Councilor, Ward No.34, Nagar Parishad, Saharsa
18. Subodh Sah, Councilor, Ward No.5, Nagar Parishad, Saharsa
19. Bimal Kishore Kumar, Councilor, Ward No.25, Nagar Parishad, Saharsa
20. Smt. Shobha Devi, Councilor, Ward No.1, Nagar Parishad, Saharsa
21. Smt. Anita Devi, Councilor, Ward No.4, Nagar Parishad, Saharsa
22. Anil Kumar, Councilor, Ward No.13, Nagar Parishad, Saharsa
23. Umesh Yadav, Councilor, Ward No.28, Nagar Parishad, Saharsa
24. Kiran Devi, Councilor, Ward No.39, Nagar Parishad, Saharsa
25. Sarojani Devi, Councilor, Ward No.2, Nagar Parishad, Saharsa
26. Kailash Rajak, Councilor, Ward No.24, Nagar Parishad, Saharsa
27. Renu Sinha, Councilor, Ward No.29, Nagar Parishad, Saharsa
28. Md. Mustkim, Councilor, Ward No.40, Nagar Parishad, Saharsa
29. Roushan Ara, Councilor, Ward No.15, Nagar Parishad, Saharsa
30. Phul Devi, Councilor, Ward No.14, Nagar Parishad, Saharsa
31. Nilam Devi, Councilor, Ward No.16, Nagar Parishad, Saharsa
32. Meena Devi, Councilor, Ward No.12, Nagar Parishad, Saharsa
33. Sunita Devi, Councilor, Ward No.35, Nagar Parishad, Saharsa
34. Dazi Bharti, Councilor, Ward No.10, Nagar Parishad, Saharsa
35. Reshma Sharma, Councilor, Ward No.21, Nagar Parishad, Saharsa
36. Mushrat Praveen, Councilor, Ward No.7, Nagar Parishad, Saharsa
37. Monika Chaudhary, Councilor, Ward No.26, Nagar Parishad, Saharsa
38. Mashraf, Councilor, Ward No.38, Nagar Parishad, Saharsa
39. Sidhi Priya, Councilor, Ward No.23, Nagar Parishad, Saharsa
40. Sarswati Devi, Councilor, Ward No.8, Nagar Parishad, Saharsa
41. Anita Devi, Councilor, Ward No.9, Nagar Parishad, Saharsa
42. Binay Thakur, Councilor, Ward No.11, Nagar Parishad, Saharsa
43. Mithilesh Jha, Councilor, Ward No.36, Nagar Parishad, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vindhyachal Singh, Adv.

Mr. Satya Prakash
For the Respondent/s : Mr. A.K.Chaudhary, AAG-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

22-12-2015

Heard Mr. Vindhyachal Singh, learned counsel appearing for the petitioner and learned counsel for the State.

The petitioner has questioned the notice dated 16.12.2015 issued by the Chief Councilor, Nagar Parishad, Saharsa whereby he has fixed the date of special meeting on 24.12.2015 for consideration of the motion moved against the petitioner who happens to be the Deputy Chief Councilor of the Nagar Parishad.

Two issues have been raised by Mr. Singh to question the motion namely:

- (a) That the notice has been issued by the Chief Councilor himself; and
- (b) That the notice does not contain the reasons.

Both the issues raised by Mr. Singh are only taken to be rejected for whereas the issuance of notice by the Chief Councilor is in tune with the provisions underlying Rule 2(i) of the Bihar Municipal No Confidence Motion Process Rules, 2010 (hereinafter referred to as 'the Rules') which mandates the Chief Councilor to issue such notice, even the other issue regarding absence of reasons in the notice is not sustainable in view of the statutory provisions underlying rule 2(iv) of 'the Rules' which merely requires the notice to contain reasons/allegations on which

the motion has been moved and considering that the Chief Councilor has been cautious enough to enclose the requisition with the notice which itself mentions the reasons/charges for which the motion has been moved against Deputy Chief Councilor, in my opinion it substantially complies the statutory requirement underlying rule 2(iv) of 'the Rules'. My opinion stands supported with the view expressed by this Court in similar matter arising out of the Bihar Panchayat Raj Act since reported in **2009(2) PLJR 435 (Suryadeo Kumar vs. State of Bihar)**.

Although a last minute effort was taken by Mr. Singh to question the proceeding *inter alia* relying upon the judgment of the Supreme Court reported in **AIR 1975 SC 915 (Ramchandra vs. Govind)** more particularly Paragraph 25 to submit that when the procedure is provided in a statute it is to be strictly followed but in my opinion the judgment so relied upon by Mr. Singh would not again come to his rescue in view of the substantial compliance by the authorities to the statutory procedure and in view of the position explained by this Court in context with the Panchayat Raj Act.

The writ petition is dismissed.

(Jyoti Saran, J)

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