

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16487 of 2014

With
I.A. No.7643 of 2014

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Chandeshwar Paswan, son of Yugeshwar Paswan, resident of village - Kanti Kasawa (Ward No. 1), Police Station - Kanti in the district of Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Muzaffarpur.
4. The Nagar Panchayat, Kanti through its Executive Officer.
5. The Executive Officer, Nagar Panchayat, Kanti in the district of Muzaffarpur.
6. Shobha Gupta, wife of Nawal Kishore Gupta, resident of Kanti, P.S. - Kanti in the district of Muzaffarpur.
7. Neelam Sinha, wife of Shivdhari Singh, resident of Kanti Thermal Colony, P.S. - Kanti in the district of Muzaffarpur.
8. Jyoti Devi, wife of Sri Yogendra Das, resident of Kanti (Ward No. 3), P.S. - Kanti in the district of Muzaffarpur.
9. Shakuntala Devi, wife of Manoj Paswan resident of Kanti Kothiyan, P.S. - Kanti in the district of Muzaffarpur.
10. Raj Kumar Sah, son of late Deepan Sah, resident of Kanti (Ward No. 2), P.S. Kanti in the district of Muzaffarpur.
11. Manoj Kumar Singh, son of Raj Mohan Singh resident of Kanti Thermal Colony, P.S. - Kanti in the district of Muzaffarpur.
12. Sri Ram Pandey, son of Late Naga Pandey, resident of Kanti Tiwari Tola, P.S. - Kanti in the district of Muzaffarpur.
13. Reena Devi, wife of Ramji Sahni, resident of Kanti Kothiyan, P.S. - Kanti in the district of Muzaffarpur.
14. Umesh Sahni, son of Late Baijnath Sahni, resident of Kanti Gosain Tola, P.S. - Kanti in the district of Muzaffarpur.
15. Shakila Khatoon, wife of Md. Alam resident of Kanti Kothiyan, P.S. - Kanti in the district of Muzaffarpur.
16. Indradeo Ram, son of Sri Baijnathi Ram, resident of Kanti Kasawan (Ward No. 1), Kanti in the district of Muzaffarpur.
17. Rajpati Devi, wife of Sri Raghunath Prasad Yadav, resident of Kanti Gope Tola (Ward No. 9), P.S. - Kanti in the district of Muzaffarpur.
18. Mahesh Prasad Sah, son of Late Ramchandra Sah, resident of Kanti Chowk (Ward No.7), P.S. - Kanti in the district of Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

Mr. Navin Sharma

For the Respondent/s : Dr. Raj Kumar Singh, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-06-2015

Heard Mr. Sunil Kumar, learned counsel appearing on behalf of the petitioner and learned counsel for the State.

The petitioner happens to be the Deputy Chief Councillor of Nagar Panchayat, Kanti in the district of Muzaffarpur and has questioned the **no confidence motion** passed against him on 13.8.2014, a copy of which is placed at Annexure-1 to the writ petition.

Two grounds have been raised by the petitioner to contest the **no confidence motion**, namely:

- (a) That the notice a copy of which is placed at Annexure-3 does not contain any reasons/charges; and
- (b) That the notice is not issued within the prescribed period.

I have heard learned counsel for the parties and I have perused the records.

The copy of the resolution passed in the special meeting held on 13.8.2014 is placed at Annexure-1 and a bare perusal thereof would manifest that not only the petitioner has participated in deliberation but has also contested the charges. After the discussion on the charges the votes were cast and have gone against the interest of the petitioner inasmuch as whereas 9 votes were polled in favour of the motion, only 5 votes went

in favour of the petitioner thereby unseating him.

No doubt the argument of Mr. Sunil Kumar that the statutory notice does not contain any reasons or charges is supported by the legal provisions but in view of the law laid down by this Court in the judgment reported in 2010 (3) PLJR 259 (Vinay Kumar Vs. State of Bihar), the petitioner having participated in the special meeting and having contested the charges which were the foundation for the requisition, he has waived of his right to question the motion on any legal infraction.

For the reasons aforementioned, the petitioner has not made out any case for indulgence and the writ petition and the interlocutory application are accordingly disposed of.

(Jyoti Saran, J)

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