

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5062 of 2015

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Anand Kumar Mishram, Son of Satanjib Mishra, Resident of Village - Tharbitiya,
P.S. - Phulparas, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary , Panchayat Raj ,
Department, Government of Bihar, Patna.
2. Principal Secondary, Panchayat Raj Department , Government of Bihar, Patna.
3. The State Election Commissioner, Bihar, Patna.
4. The Joint Director (Election), Panchayat Raj Department , Government of
Bihar, Patna.
5. The District Magistrate, Madhubani District- Madhubani, Government of Bihar,
Patna.
6. Kiran Devi wife of Sri Jibendra Maharaj @ Birendra Maharaj , Mukhiya of
Gram Panchayat Raj Sangi , Block-Ghoghardiha, P.S. - Phulparas, District-
Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Advocate
For the State	:	Mr. Raj Ballabh Prasad Yadav, AAG-11 Mr. Jitendra Kumar, AC to AAG-11 Mr. Dinesh Maharaj, AC to AAG-11
For the Commission	:	Mr. Amit Srivastava, Advocate Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-08-2016

Heard parties.

Through this writ application, the petitioner has sought
removal of respondent no.6 from the post of Mukhiya of Gram
Panchayat Raj Sangi, District- Madhubani.

It is contended that the District Magistrate has sent his
recommendation for removal of the respondent no.6 from the post of
Mukhiya under Section 18 (5) of the Bihar Panchayati Raj Act on the

ground of misconduct and also that the Election Commission has lodged FIR against respondent no.7 for suppression of material facts in her nomination paper filled up at the time of election. It is further contended that the matter remained pending for four years before the State Government but no final decision was taken, compelling the petitioner to approach this Court, however, during pendency of this writ petition, tenure of the Mukhiya has lapsed and fresh elections have been held and some other person has been elected as Mukhiya. In such a situation, since a fresh election has already been held, there would be no occasion for directing removal of Mukhiya.

Accordingly, this writ application is dismissed as having infructuous.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.09.2016
Transmission Date	N.A.