

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4430 of 2015

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Jeewachh Gurmaita @ Jeewachh Yadav S/o Late Jhhaman Gurmaita,
resident of village, P.O. and Panchayat Maheshwara, Via Khajouli, P.s.
Babu Barhi, District- Madhubani, Ward Member Ward No. 5

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna
3. The District Magistrate-cum-District Election Officer (Panchayat) Madhubani
4. The District Panchayati Raj Officer, Madhubani
5. The Sub-Divisional Officer, Sadar Madhubani
6. The Block Development Officer, Babu Barhi, District- Madhubani
7. The Mukhiya, Maheshwara Gram Panchayat, Babu Barhi Block, Madhubani
8. Up Mukhiya, Maheshwara Gram Panchayat, Babu Barhi Block, Madhubani

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Respondent/s : Mr. N.K. Singh, GP-26

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 30-03-2016

None appears on behalf of the petitioner.

There is no representation on behalf of the State.

The petitioner is aggrieved by the re-election of the respondent no. 8 Ramdai Devi as Up Mukhiya in Gram Panchayat Maheshwara under Babu Barhi Block in the District of Madhubani.

The grievance of the petitioner is that following the 'no confidence motion' passed against the said Up Mukhiya, she could

not contest a re-election.

In my opinion, in absence of any bar under the provisions of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') prohibiting the elected representative under 'the Act' from contesting a re-election after being removed in a 'no confidence motion' the person concerned cannot be prohibited from contesting election. Though I do find that there is some provision where Mukhiyas under 'the Act' are removed on grounds of misuse of powers or misconduct in the light of provisions under Section 18(5) of 'the Act' but the said clause is exclusively relatable to a removal on grounds of misconduct or misuse of powers and not for an ouster in a 'no confidence motion'.

No cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

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