

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2036 of 2016

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Dinesh Kumar Singh son of Jagdeo Singh resident of village-Bodhgaya,
P.S. Bodhgaya, Dist - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development
Department Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Secretary, State Election Commission, Patna.
4. The Executive Officer, Nagar Panchayat, Bodhgaya.
5. Smt. Anita Devi ward councilor ward no. 1.
6. Sri Arvind Kumar Singh ward councilor ward no. 2.
7. Smt. Rita Kumari ward councilor ward no. 3.
8. Sri Shivdayal Manjhi ward councilor ward no. 4.
9. Smt. Reshmi Devi ward councilor ward no. 5.
10. Smt. Dulari Devi ward councilor ward no. 7.
11. Sri Jai Singh ward councilor ward no. 9.
12. Smt. Jamun Devi ward councilor ward no. 10.
13. Sri Ram Sevak Singh ward councilor ward no. 12.
14. Smt. Mamta Devi ward councilor ward no. 15.
15. Smt. Priti Singh ward councilor ward no. 18.
16. Sri Shivrat Manjhi ward councilor ward no. 6.
17. Sri Shivshankar Bhagat ward councilor ward no. 11.
18. Smt. Manorma Devi ward councilor ward no. 13.
19. Smt. Savitri Devi ward councilor ward no. 16.
20. Smt. Lalita Devi ward councilor ward no. 17.
21. Smt. Ramratiya Devi ward councilor ward no. 19.
22. Smt. Kamla Devi ward councilor ward no. 14

Serial no. 5 to 22 are members of Ward Councilors of Bodh Gaya Nagar
Panchayat, Bodh Gaya, Dist - Gaya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Ram Prawesh Kumar

For the State : Smt. Nivedita Nirvikar, G.A.-10

For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate

For Nagar Parishad : Mr. Ashok Kumar, Advocate

For private Respondent : Mr. S.B.K. Manglam, Advocate
Mr. Amarnath Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 01-03-2016 Heard Mr. Y.V. Giri, learned senior counsel for the
petitioner, Mr. Ashok Kumar for the Municipality and Mr. S.B.K.

Manglam, and Mr. Amarnath Singh for the private respondents.

The petitioner is the Vice Chairman of the Municipality and questions 'no confidence motion' passed against him in the special meeting held on 20.1.2016, copy of which is impugned at Annexure-4 to the writ petition. The challenge to the motion rests on the invalidity of the requisition impugned at Annexure-1 which though addressed to the Chief Councillor is routed through the Executive Officer of the Municipality. It would not require this Court to refer to any judgment for holding that the requisition is apparently illegal. When the provision of Rule 2(i) of the Bihar Municipal No Confidence Motion Rules, 2010 requires the requisition to be given to the Chief Councillor, it cannot to be routed through the Executive Officer. The law stands well settled on the issue and for the invalidity of the requisition present at Annexure-1, the entire proceedings resulting in the passing of the motion on 20.1.2016 is held invalidated and is accordingly set aside. The petitioner stands restored to his post. This order however would not preclude the requisitionists, if they so choose, to move against the Deputy Chief Councillor afresh and in accordance with law.

The writ petition is allowed.

(Jyoti Saran, J)

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