

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13909 of 2017

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1. Bina Devi wife of Sri Vinay Kumar Singh, resident of Village/P.O.- Samai, P.S. - Mufassil, District - Nawada.
 2. Saroj Devi, Wife of Sri Rabindra Yadav resident of Village - Gopalpur, P.S. - Rajauli, District - Nawada.
 3. Priti Kumari, Wife of Laxman Kumar Chouhan, resident of Village - Beldari Pachamba, Prakhand/ P.S. - Sirdala, District - Nawada.
 4. Premchand Kumar, Son of Sri Jehal Prasad, resident of Village - Dhodhra, P.O./P.S. - Meskaur, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar, Patna.
2. The Addl. Secretary, Panchayati Raj Department, Bihar, Patna.
3. The Director, Panchayati Raj Department, Bihar, Patna.
4. The District Magistrate, Nawada.
5. Zila Parishad Nawada through it's Chief Executive Officer.
6. The D.D.C.-cum-the Chief Executive Officer, Zila Parishad, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the petitioners; Mr. Ajay,

learned GA-5 for the State and learned counsel for the Zila Parishad,

Nawada.

2. The petitioners have moved the Court for the

following reliefs:

“i For quashing of Memo no. 6492 dated 27.07.2017, contained in ANN-2, issued under the signature of respondent-Addl. Secretary addressed to the respondent-DDC in reference to it's letter no. 19 dated 10-2-2017/ANN-1, with a copy to all DDC-cum-Chief Executive Officer, Zila Parishad, Bihar holding/directing therein to allow voting right only to elected members of Zila Parishad in constitution



of all seven Standing Committees through election u/s 77 (1) of the Bihar Panchayat Raj Act, 2006 (For Short- the Act).

ii. For interim stay of operation of impugned memo no. 6492 dated 27-7-2017/ANN-2 as the respondent-DDC is reportedly going to hold election shortly for constitution of said Standing Committees u/s 77 (1) of the Act, in terms of and in compliance of impugned letter/ANN-2 which is illegal and contrary to provisions of the Act particularly sec. 63(2) r/w sec. 67(1) & 72(2), (3),(5) etc”

3. The petitioners are elected Pramukh of various Panchayat Samitis in the district of Nawada and by the impugned order, they have been debarred from taking part and voting in the election to constitute the Standing Committees of the Zila Parishad.

4. The dispute falls under a narrow compass. The Court is only required to consider whether in terms of the provisions of Section 63 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the ‘Act’), the petitioners and other members of the Zila Parishad who fall under Sub-Sections (b), (c) and (d) of Section 63 (1) of the Act can be prevented from taking part in the election for constituting the Standing Committees of the Zila Parishad.

5. Learned counsel for the petitioners submitted that Section 63 of the Act specifies the persons who shall constitute the Zila Parishad and Section 63(1)(b) of the Act includes the Pramukh of all Panchayat Samitis in the district, under which category the petitioners come. It was submitted that the Zila Parishad, as a whole,



includes the petitioners and once while constituting the Standing Committees of the Zila Parishad by election under Section 77 of the Act, the law requires that the Zila Parishad shall constitute the same and they being included in the definition of persons, who constitute the Zila Parishad, their right to take part in the election to such Standing Committees cannot be curtailed. Learned counsel further drew the attention of the Court to Section 72 of the Act which specifies how the meeting of the Zila Parishad shall be conducted and which clearly indicates that all the members as defined under Section 63(1) of the Act are equal participants in the meetings for all practical purposes.

6. Learned counsel for the State submitted that the Act may not be very happily worded so as to clearly reflect the intent of the legislature and under such circumstances, the settled principles of statutory interpretation have to be taken recourse to. He submitted that the Standing Committees are to be constituted from among the elected members of the Zila Parishad and thus in such background, it is quite natural and logical that only the elected members of the Zila Parishad should vote for constituting such Committees. He submitted that since the persons falling under the category specified under Sub-Sections (b), (c) and (d) of Section 63 (1) of the Act are ex-officio members, they cannot take part in the election as they are ineligible



for being elected and further that this has been the consistent practice in the formation of the Standing Committees of various Zila Parishad in the State of Bihar. He further submitted that even the Department of Panchayati Raj, Government of Bihar is of the view that the said practice of permitting only elected members of the Zila Parishad to take part in the election for constituting the Standing Committees is the correct interpretation of the statute for the reason that only the elected members are ultimately eligible to become members of such Standing Committees and not the ex-officio members.

7. Learned counsel submitted that as per the provisions of Section 79(1) of the Act, the Zila Parishad has the authority to frame regulations relating to election of members of Committees etc. and since the regulations have not been framed, the practice which is in vogue has been resorted to, which does not permit the ex-officio members to vote. It was further submitted that in view of such provision, Section 63 of the Act has to be read harmoniously, which will indicate that the Zila Parishad while framing such regulations may specify as to who would be the persons who would be eligible to vote for constituting the various Standing Committees.

8. For such proposition, learned counsel has relied upon a decision of the Hon'ble Supreme Court in the case of **S. B. Bhattacharjee v. S. D. Majumdar** reported as **A.I.R. 2007 S.C.**



2102, the relevant being at paragraph no. 24, which reads as under:

*“It may be that in a given case, the court can with a view to give effect to the intention of the legislature, may read the statute in a manner compatible therewith, and which would not be reduced to a nullity by the draftsman’s unskilfulness or ignorance of law. But, however, it is also necessary for us to bear in mind the illustration given by the executive while construing an executive direction and office memorandum by way of executive construction cannot be lost sight of. It is in that sense the doctrine of **cotemporanea expositio** may have to be taken recourse to in appropriate cases, although the same may not be relevant for construction of a model statute passed by a legislature.....”*

9. It has been submitted that even the treatise on ‘Principles of Statutory Interpretation’ by G.P. Singh, in its 10th Edition at page 319 reads as under:

*“But a uniform and consistent departmental practice arising out of construction placed upon an ambiguous statute by the highest executive officers at or near the time of its enactment and continuing for a long period of time is an admissible aid to the proper construction of the statute by the Court and would not be disregarded except for cogent reasons. The controlling effect of this aid which is known as ‘**executive construction**’ would depend upon various factors such as the length of time for which it is followed, the nature of rights and property affected by it, the injustice result from its departure and the approval that it has received in judicial decisions or in legislation.”*

10. Learned counsel further relied upon the interpretation given relating to Legislation and Interpretation by Jagdish Swarup in



its 4th Edition, 1989, Chapter 8.21 relating to Construction by Executive, which is quoted from book of Crawford: Statutory Construction, at page 399 reads as under:

“The construction placed upon a law by the executive department is not the law of the statute but only evidence of what the law is. It is simply an aid to which the court may resort in their efforts to ascertain the legislative intent. It may be set forth as an argument or a reason for the acceptance of a certain construction, for where the executive places a certain interpretation upon a law, that fact would seem to indicate that interpretation represents the legislative will. At least, the interpretation given to the statute by the executive officer would seem to be the obvious one and therefore the one actually intended by the law makers.”

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the considered opinion of the Court, the impugned direction cannot be sustained. The Court would not like to go into the complicity of interpretation of statutes, for, in the present case, the issue does not require such deep probe or resort to such alternate mode of giving effect to statutory provisions as there are no ambiguities in the Act on such issue.

12. For the purpose of consideration of the matter, Sections 63, 72, 77 and 79 of the Act, which have been relied upon by learned counsel, is quoted hereinbelow for ready reference:

“63. Composition of Zila Parishad -(1) The Zila Parishad shall consist of-



(a) the members directly elected from territorial constituencies in the district as determined under this Act;

(b) the Pramukhs of all Panchayat Samitis in the District;

(c) such members of the Lok Sabha and the members of the State Legislative Assembly who represent any part which falls wholly or partly within the district and whose constituency falls within the district;

(d) the members of the Rajya Sabha and the members of the State Legislative Council who are registered as electors within the district.

(2) Every member of the Zila Parishad shall have the right to vote in its meeting, but in case of election and removal of Adhaksha and Up-Adhyaksha, only the members elected under clause(a) of subsection(1) shall have the right to vote.

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72. Meeting of the Zila Parishad-

(1) The Zila Parishad shall hold its meetings at least once in every three months, at such time and at such place within the local limit of the district concerned as the Zila Parishad may fix at the immediately preceding meeting :

Provided, that the first meeting of a newly constituted Zila Parishad shall be held at such time and at such place within the local limits of the district concerned, as the District Magistrate may fix and shall be presided over by him;

Provided further that the Adhyaksha when required in writing by one-fifth of the members of the Zila Parishad to call a meeting shall do so within ten days failing which the aforesaid members may call a meeting after giving intimation to the District Magistrate and seven clear days notice to the Adhyaksha and the other members of the Zila Parishad.

(2) One-third of the total number of members of the Zila Parishad shall form a quorum for transacting the business at the meeting of the Zila Parishad.

(3) All questions coming before the Zila



Parishad shall be decided by a majority of votes; in case of equality of votes the Adhyaksha or the member presiding shall have casting vote.

(4) Every meeting shall be presided over by the Adhyaksha or if he is absent, by the Up-adhyaksha and if both the Adhyaksha and Upadhyaksha are absent or if the Adhyaksha is absent and there is no Up-adhyaksha, the members present shall elect one from among themselves to preside.

(5) No member of Zila Parishad shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Zila Parishad or any Committee if the question is one in which apart from its general application to the public he has any direct pecuniary or personal interest and if the person presiding has such an interest, he shall not preside over the meeting when such question comes up for consideration.

(6) If the person presiding is believed by any member present at the meeting to have any such pecuniary or personal interest in any matter under discussion and if a motion to that effect be carried, he shall not preside over at the meeting during such discussion or vote on or take part in it. Any member of the Zila Parishad may be chosen to preside at the meeting during the continuance of such discussion.

(7) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with sub-section (9). The order in which any business or proposition shall be brought forward at such meeting shall be determined by presiding authority which in case it is proposed by any member to give particular proposition shall put the proposal to the meeting and be guided by the majority of votes



given for or against the proposal.

(8) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than left undisposed at the meeting from which the adjournment took place.

(9) No resolution of Zila Parishad shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting any notice whereof shall have been given fulfilling the requirement of sub-section (4) and setting forth fully resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(10) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall after being read over by the presiding authority of the meeting be signed by him. The action taken on the decisions of Zila Parishad shall be reported at the next meeting of the Zila Parishad. The minutes book shall always be kept in the office of the Zila Parishad. The Chief Executive Officer shall be the custodian of the minute book.

(11) The Zila Parishad may require the presence of Government officers at its meetings. If it appears to a Zila Parishad that the attendance of any field officer having jurisdiction over an area of a district or part of a district and not working under the Zila Parishad is desirable at a meeting of the Zila Parishad, the Chief Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting :

Provided that the officer on receipt of such letter may if he for any of the causes aforesaid is unable to be present at the meeting himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.



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77. Standing Committees - (1) *The Zila Parishad shall constitute the following committees by election for effective discharge of its functions :*

- (i) General Standing Committee*
- (ii) Finance, Audit & Planning Committee*
- (iii) Production Committee*
- (iv) Social Justice Committee*
- (v) Education Committee*
- (vi) Committee on Public Health, Family Welfare & Rural Sanitation*
- (vii) Public Works Committee*

(2) Each committee shall consist of not less than three and not more than five members including the chairman from among the elected members. Each committee can co-opt not more than two members from among experts or public spirited persons for effective discharge of its responsibilities.

(3) The Adhyaksha shall be the ex-officio member and chairman of General Standing Committee and Finance, Audit & Planning Committee and shall nominate a Chairman for each of the other committees. The Adhyaksha shall not hold charge of chairman for more than three committees including the two as abovementioned:

Provided that each committee shall have at least one woman member and further, Social Justice Committee shall have a member belonging to the Scheduled Caste or Scheduled Tribes.

(4) As far as possible, no elected member of the Zila Parishad shall serve on more than three committees.

(5) The Chief Executive Officer shall be the ex-officio secretary of the General Standing Committee and the Finance, Audit & Planning Committee. For each of the other standing committees the District Magistrate shall nominate a gazetted officer who may be ordinarily incharge of the concerned department at the district level function as secretary.

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79. Procedure of Committees - (1) *The Zila Parishad may frame regulations relating to election of members*



of Committees, conduct of business therein, and all other matters relating to them.

(2) The Chairman of every Committee shall in respect of the work of that Committee be entitled to call for any information, return, statement or report from the officer of the Zila Parishad and to enter on and inspect any movable property of the Zila Parishad or any work in progress concerning the Committee.

(3) Every Committee shall be entitled to require attendance at its meetings any officer of the Zila Parishad who is connected with the work of the Committee. The Chief Executive Officer shall under instruction of the Committee, issue notices and secure the attendance of the Officer.”

13. From a bare reading of Section 63 (1) of the Act, it is apparent that the Zila Parishad comprises of four distinct categories. The first is of members who are directly elected; the second being Pramukhs of all Panchayat Samitis in the District; the third being such members of the Lok Sabha and the members of the State Legislative Assembly, who represent any part which falls wholly or partly within the district and whose constituency falls within the district and lastly the members of the Rajya Sabha and the members of the State Legislative Council who are registered as electors within the district. The Section does not stop there. Sub Section (2) of Section 63 of the Act specifies that every member of the Zila Parishad shall have the right to vote in its meeting, but in case of election and removal of *Adhaksha and Up-Adhyaksha*, only the members elected under the first category shall have the right to vote.



Thus, the intention of the legislature is clear that the Zila Parishad, as a whole, comprising of all the four groups and categories are eligible to vote; however, the legislature in its wisdom has restricted the eligibility of categories second, third and forth for voting only with regard to election and removal of *Adhaksha and Up-Adhyaksha*. Thus, had there been no sub Section (2) of Section 63 of the Act, there could have been an occasion where the Court may have been called upon to interpret as to what actually was the intent of the legislature and what would be the harmonious interpretation of various provisions of the Act. But in the present case, when the legislature itself has in so many words clearly spelt out its desire and will only to restrict the power to vote with regard to categories second, third and fourth, under Sub-Sections (b), (c) and (d) of Section 63 (1) of the Act, of the Zila Parishad to election and removal of *Adhaksha and Up-Adhyaksha*, the Court or any other authority is neither competent nor required to go beyond such clearly spelt out intention of the legislature, as reflected in the wordings of the statute itself. The provision of Section 77 of the Act further fortifies this view, as sub Section (1) of the same starts with the words: “ The Zila Parishad shall constitute...”. Thus, the intention of the legislature is also clear that it is the entire Zila Parishad which shall constitute the Standing Committees and the Constitution of the Zila Parishad itself



includes the petitioners, who could in no way be excluded from having a role in the election of such Standing Committees. The distinction made by learned counsel for the State that because the persons, who are eligible to be elected to such Standing Committee, fall only in the first category i.e., who are directly elected as members from the territorial constituencies, cannot be said to be the correct interpretation for the reason that in Section 77(2) of the Act, only with regard to persons who shall be eligible to become members of the Standing Committees, it is laid down that the same shall be constituted from among the elected members. Thus, in the constitution of the Committees only the restriction being with regard to who can be elected to the Committees and it being limited to the elected members, is also indicative of the legislative intent that for all other purposes, which includes the process of election of such Standing Committee, it shall be the entire Zila Parishad and not restricted to only a part of the Zila Parishad i.e., to those directly elected from territorial constituencies.

14. As far as the contention of learned counsel for the State with regard to the provisions of Section 79(1) of the Act, which confers the power on the Zila Parishad to permit regulations relating to election of members of Committees, the same cannot be read to mean that the regulations so framed relating to election would also



tweak with or tinker and interfere with the provisions of Section 63 read with Section 77 of the Act. The power to frame regulations relating to election of members of Committees is only with regard to defining the procedural formalities and the mode and modality of such election, but it cannot lay down conditions with regard to who shall be the electors, overriding and contrary to the explicit statutory mandate. Further, it is the entire Zila Parishad which has to frame the regulations and the Zila Parishad, at the cost of repetition, includes all the four categories, including the one under which the petitioners come.

15. The last contention of learned counsel for the State that such practice has been in vogue in the Department also may not be of any help to the State authorities for the simple reason that a practice which is blatantly in the teeth of the statutory provisions, no matter how long they have been acted upon, cannot be condoned or upheld by a Court of law.

16. In the case of **Dr. Ganga Prasad Verma v. State of Bihar** reported as **1995 Supp (1) SCC 192**, the Hon'ble Supreme Court at paragraph no. 5 has held as under:

“5. Where the language of the Act is clear and explicit, the Court must give effect to it, whatever may be the consequences, for in that case the words of the statute speak the intention of the legislature.....”



Similarly a Constitution Bench of the Hon'ble Supreme Court in the case of **Union of India v. Hansoli Devi** reported as (2002) 7 SCC 273, in paragraph no. 9 has held as under:

9. Before we embark upon an inquiry as to what would be the correct interpretation of Section 28-A, we think it appropriate to bear in mind certain basic principles of interpretation of a statute. The rule stated by Tindal, C.J. in Sussex Peerage case still holds the field. The aforesaid rule is to the effect: (ER p. 1057)

“If the words of the statute are in themselves precise and unambiguous, then no more can be necessary than to expound those words in their natural and ordinary sense. The words themselves alone do, in such case, best declare the intention of the lawgiver.”

It is a cardinal principle of construction of a statute that when the language of the statute is plain and unambiguous, then the court must give effect to the words used in the statute and it would not be open to the courts to adopt a hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act. In Kirkness v. John Hudson & Co. Ltd.⁹ Lord Reid pointed out as to what is the meaning of “ambiguous” and held that: (All ER p. 366 C-D)

“A provision is not ambiguous merely because it contains a word which in different contexts is capable of different meanings. It would be hard to find anywhere a sentence of any length which does not contain such a word. A provision is, in my judgment, ambiguous only if it contains a word or phrase which in that particular context is capable of having more than one meaning.”

It is no doubt true that if on going through the plain meaning of the language of statutes, it leads to anomalies, injustices and absurdities, then the court may look into the purpose for which the statute has been brought and would try to give a meaning, which would adhere to the purpose of the statute. Patanjali Sastri, C.J. in the case of Aswini Kumar Ghose v.



Arabinda Bose¹⁰ had held that it is not a sound principle of construction to brush aside words in a statute as being inapposite surplusage, if they can have appropriate application in circumstances conceivably within the contemplation of the statute. In Quebec Railway, Light Heat & Power Co. Ltd. v. Vandry¹¹ it had been observed that the legislature is deemed not to waste its words or to say anything in vain and a construction which attributes redundancy to the legislature will not be accepted except for compelling reasons. Similarly, it is not permissible to add words to a statute which are not there unless on a literal construction being given a part of the statute becomes meaningless. But before any words are read to repair an omission in the Act, it should be possible to state with certainty that these words would have been inserted by the draftsman and approved by the legislature had their attention been drawn to the omission before the Bill had passed into a law. At times, the intention of the legislature is found to be clear but the unskilfulness of the draftsman in introducing certain words in the statute results in apparent ineffectiveness of the language and in such a situation, it may be permissible for the court to reject the surplus words, so as to make the statute effective.”

Further, in the case of **Nathi Devi v. Radha Devi Gupta**, reported as **(2005) 2 SCC 271**, the Hon’ble Supreme Court at paragraphs no. 13 to 18 has held as under:

“13. The interpretative function of the court is to discover the true legislative intent. It is trite that in interpreting a statute the court must, if the words are clear, plain, unambiguous and reasonably susceptible to only one meaning, give to the words that meaning, irrespective of the consequences. Those words must be expounded in their natural and ordinary sense. When the language is plain and unambiguous and admits of only one meaning, no question of construction of statute arises, for the Act speaks for itself. Courts are not concerned with the policy involved or that the results are injurious or otherwise, which may follow from



giving effect to the language used. If the words used are capable of one construction only then it would not be open to the courts to adopt any other hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act. In considering whether there is ambiguity, the court must look at the statute as a whole and consider the appropriateness of the meaning in a particular context avoiding absurdity and inconsistencies or unreasonableness which may render the statute unconstitutional.

14. It is equally well settled that in interpreting a statute, effort should be made to give effect to each and every word used by the legislature. The courts always presume that the legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have effect. A construction which attributes redundancy to the legislature will not be accepted except for compelling reasons such as obvious drafting errors. (See State of U.P. v. Dr. Vijay Anand Maharaj³, Rananjaya Singh v. Baijnath Singh⁴, Kanai Lal Sur v. Paramnidhi Sadhukhan⁵, Nyadar Singh v. Union of India⁶, J.K. Cotton Spg. and Wvg. Mills Co. Ltd. v. State of U.P.⁷ and Ghanshyamdas v. CST⁸.)

15. It is well settled that literal interpretation should be given to a statute if the same does not lead to an absurdity.

16. In Nasiruddin v. Sita Ram Agarwal⁹ this Court stated the law in the following terms: (SCC p. 589, para 37)

“37. The court’s jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is well known that in a given case the court can iron out the fabric but it cannot change the texture of the fabric. It cannot enlarge the scope of legislation or intention when the language of the provision is plain and unambiguous. It cannot add or subtract words to a statute or read something into it which is not there. It cannot rewrite or recast legislation. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real



intention of the legislation must be gathered from the language used. It may be true that use of the expression 'shall or may' is not decisive for arriving at a finding as to whether the statute is directory or mandatory. But the intention of the legislature must be found out from the scheme of the Act. It is also equally well settled that when negative words are used the courts will presume that the intention of the legislature was that the provisions are mandatory in character."

17. Even if there exists some ambiguity in the language or the same is capable of two interpretations, it is trite that the interpretation which serves the object and purport of the Act must be given effect to. In such a case the doctrine of purposive construction should be adopted. (See Swedish Match AB v. Securities & Exchange Board of India¹⁰.)

18. In High Court of Gujarat v. Gujarat Kishan Mazdoor Panchayat¹¹ this Court held: (SCC p. 733, paras 35-36)

"35. The court while interpreting the provision of a statute, although, is not entitled to rewrite the statute itself, is not debarred from 'ironing out the creases'. The court should always make an attempt to uphold the rules and interpret the same in such a manner which would make it workable.

36. It is also a well-settled principle of law that an attempt should be made to give effect to each and every word employed in a statute and such interpretation which would render a particular provision redundant or otiose should be avoided."

17. From the discussions made hereinabove and the reading of the provisions *per se*, without any ambiguity leaves no doubt that all the rights of the members of the Zila Parishad are available to all the categories which constitute the Zila Parishad as defined in Section 63(2) of the Act and the bar is restricted only to



categories under Sub-Sections (b), (c) and (d) of Section 63 (1) of the Act to vote in case of election and removal of the *Adhaksha and Up-Adhyaksha*. In the present case, the dispute relates to the participation and right to vote of such categories in the election for constituting the Standing Committees.

18. In the event, the writ petition stands allowed. The impugned direction as contained in Memo No. 6492 dated 27.07.2017, copy of which is Annexure-2 to the writ petition, stands quashed. It is held that the petitioners are eligible and have a right to take part and also vote in the meetings where the Standing Committees of the Zila Parishad are required to be constituted through election in terms of Sections 77 and 79 of the Act.

19. In order to prevent any confusion or unsettling of matters settled, it is clarified that the present order shall not have any effect on matters and issues already concluded with regard to elections held for Standing Committees constituted prior to passing of the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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