

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16860 of 2018

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1. Tarannum Naz, Wife of Imteyaz Javed, Resident of Village- Kamati, P.O.- Jhajha, P.S.- Terhagachhi, District- Kishanganj, Ex-Pramukh of Block Panchayat Samiti, Terhagachhi, District- Kishanganj.
 2. Bindeshwar Sah, Son of Sri Deep Lal Sah, Resident of Village- Phulwaria, P.O. Thiraniganj, P.S.- Terhagachhi, District- Kishanganj, Ex-Up-Pramukh of Block Panchayat Samiti, Terhagachhi, District- Kishanganj.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Kishanganj, District- Kishanganj.
5. The District Panchayat Raj Officer, Kishanganj, District- Kishanganj.
6. The Sub-Divisional Officer, Kishanganj, District- Kishanganj.
7. The Block Development Officer, Terhagachhi-cum-Executive officer, Block Panchayat Samiti, Terhagachhi, District- Kishanganj.
8. Misbabul, Son of not known to the petitioners.
9. Shanti Devi, Wife of not known to the petitioners.
10. Anwar Alam, Son of not known to the petitioners.
11. Parwez Alam, Son of not known to the petitioners.
12. Sonhana Parveen, Wife of not known to the petitioners.
13. Pramila, Wife of Not known to the petitioners,
14. Sita Devi, wife of not known to the petitioners.
15. Bipal Lal Mandal, Son of not known to the petitioners.
16. Bhaiya Nand Das, Son of not known to the petitioners.
17. Gulabi Devi, wife of not known to the petitioners.
18. Sanjeeda, Wife of not known to the petitioners.
19. Rameshwar Prasad Singh, Son of not known to the Petitioners.
20. Kaishar Reza, Son of not known to the petitioners.
21. Aarfa, S/o not known to the petitioners.

Respondent Nos. 8 to 22 are the members of Block Panchayat Samiti, Terhagachhi through the Block Development Officer- Cum- Executive Officer, Block Panchayat



Samiti, Terhagachhi, P.O. and P.S. Terhagachhi, District- Kishanganj.

22. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the Secretary.

.... Respondents

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Appearance :

For the Petitioner : Mr. S. B. K. Mangalam, Advocate
Mr. Anita Kumari, Advocate

For the State : Mr. Kameshwar Prasad Gupta -GP10

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. Though several prayers have been made in the writ petition, the petitioners have challenged the proceedings of the special meeting dated 28.07.2018 of Block Panchayat Samiti, Terhagachhi in which the motion of no confidence was placed for consideration and the writ petitioners were removed from respective posts on the ground that the requisition and notice for convening the special meeting was not in tune with the statutory provisions prescribed under sub-section (3)(i) of Section 44 of the Bihar Panchayat Raj Act, 2006.

3. Mr. S. B. K. Mangalam, learned counsel for the petitioners submitted that notice dated 17.07.2018 as contained in Annexure-5 to the writ petition did not contain specific charge against the petitioners and in that view of the matter, no discussion or deliberation could have been taken in the special meeting on the



basis of vague charge/charges. He contended that apart from that though notices were issued for removal of Pramukh and Up-pramukh, charges are common and no separate charge sheet was issued against Pramukh and Up-pramukh. In that view of the matter also, the notice was bad in law.

4. On the other hand, learned counsel appearing for the State and learned counsel appearing for State Election Commission submitted that in the notice as contained in Annexure-5 to the writ petition, there are six specific charges against the Pramukh and Up-pramukh both and, thus, the petitioners are not correct in their submission that charges are vague or that the charges are such from which no reasonable person would come to know as to what allegation has been made against him.

5. I have heard learned counsel for the parties and perused the record.

6. On perusal of notice dated 17.07.2018 as contained in Annexure-5 to the writ petition, it would be manifest that six specific charges have been leveled against the petitioners. They are: misuse of official position; not remaining punctual in discharge of official duty; not constituting committees; not presenting the yearly budget in the manner specified under rules within time; not paying proper respect to the members of the panchayat samiti; and, not discharging the public duties keeping in mind the welfare of the people of the



panchayat. The aforesaid charges are neither vague nor cryptic. True it is that common charges have been levelled against both the petitioners, but neither any illegality nor any irregularity can be alleged in bringing common charges against the Pramukh and Up-pramukh. Since charges are specific and they have been furnished to the petitioners in time, they were expected to meet them in the special meeting. Since majority of the elected members were not satisfied with the working of the petitioners and after bringing a proper requisition for convening special meeting, as the petitioners failed to meet the charges and the elected members voted them out they can not turn back and blame that the removal was not proper because changes were vague.

7. In that view of the matter, I see no illegality either in the notice or in convening the special meeting for deliberation on the vote of confidence.

8. Accordingly, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2018
Transmission Date	NA

