

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14452 of 2018

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Nagendra Singh @ Nagendra Kumar Singh, Son of Sri Nathuni Singh, Resident of
Village- Karara, P.S.- Ara Muffasil, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Director, Panchayati Raj, Vikash Bhawan, New Secretariat, Bailey Road, Patna.
2. District Panchayat Raj Officer, Bhojpur P.S. and District- Bhojpur.
3. Block Panchayat Raj Officer, Ara, District- Bhojpur.
4. District Magistrate, Bhojpur, Ara, District- Bhojpur.
5. Block Development Officer, Ara, District- Bhojpur.
6. Panchayat Secretary, Gram Panchayat Karari, P.S.- Muffasil, District- Bhojpur.
7. Mukhiya, Gram Panchayat Karari, P.S.- Ara Muffasil, District- Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Respondent/s : Mr. P.N. Shahi, AAG-6

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-09-2018

In the present case, the petitioner, who was elected Up-Mukhiya of Karari Gram Panchayat in the district of Bhojpur, is aggrieved by the action of the Mukhiya of the Gram Panchayat whereby pursuant to a requisition given by the 11 out of the 14 ward members of Gram Panchayat Karari vide letter No.25 dated 09.07.2018, she had convened a special meeting of ward



members for discussion on motion expressing want of confidence in the petitioner.

2. Learned counsel for the petitioner submitted that the special meeting summoned by the Mukhiya vide letter dated 09.07.2018 was neither legal nor valid as the notices were issued on 09.07.2018 and the meeting was held on 14.07.2018.

3. Sub-section (4) (ii) of Section 18 of the Bihar Panchayat Raj Act, 2006 (for short 'the Act') deals with removal of Up-mukhiya by no confidence motion. It reads as under:-

“Every *Up-Mukhiya* shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a simple majority of the total number of elected members of the *Gram Panchayat* and *Mukhiya* at a meeting especially convened for the purpose. The requisition for such a special meeting shall be signed by not less than one third of the total number of elected members of the *Gram Panchayat* and shall be delivered to the *Mukhiya*. The *Mukhiya* shall, within 7 days from the date of receipt of the requisition, convene a special meeting of the *Gram Panchayat* in the office of the *Gram Panchayat* for discussion on the motion and shall also preside over the meeting:

Provided that during the first two year period of the tenure, no such motion of no confidence



shall be moved against the Up-*Mukhiya*.

Provided further that no motion of no confidence against *Up-Mukhiya* shall be brought during the last six months before the expiry of the term of *Gram Panchayat*”.

4. In view of the aforesaid provisions, no illegality can be found with the action of the Mukhiya whereby she had summoned the special meeting within five days from the date of issuance of notice. Sub-section (4)(ii) of Section 18 of the Act clearly mandates that the Mukhiya to convene special meeting within 7 days from the date of receipt of the requisition for discussion and voting on the want of confidence motion. Apparently, the meeting was convened within the period prescribed.
5. The writ petition being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2018
Transmission Date	NA

