

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1151 of 2018

In
Civil Writ Jurisdiction Case No.14578 of 2018

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Prabhakar Kumar Son of Ram Balak Singh, Resident of Village-Karande,
Gram Panchayat-Siyami, Police Station-Kande Block-Chewara, District-
Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The Director, Department of Panchayat Raj, Govt. of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. Deputy Development Commissioner, Sheikhpura.
5. The District Panchayat Raj Officer, Sheikhpura.
6. The Sub-Divisional Officer, Sheikhpura, District-Sheikhpura.
7. The Executive Officer-Cum-Block Development Officer, Chewara, District-Sheikhpura.
8. The State Election Commission, Bihar Through its Secretary, Sone Bhawan, Birchand Patel Path, Patna.
9. Smt. Neetu Kumari, W/o not Known, Panchayat Samiti-Chewara, Block Chewara, District-Sheikhpura.
10. Ravi Kumar Son of not Known, Panchayat Samiti-Chankandra, Block Chewara, District-Sheikhpura.
11. Jitendra Kumar Son of Not Known, Panchayat Samiti-Siyani, Block Chewara, Distirct-Sheikhpura.
12. Bideshi Manjhi Son of Not Known, Panchayat Samiti-Chattiyara, Block Chewara, District-Sheikhpura.
13. Mukesh Kumar Son of not Known, Panchayat Samiti-Chattiyara, Block Chewara, District-Sheikhpura.
14. Dewanti Devi W/o Hare Ram Bharti, Panchayat Samiti-Lohan, Block Chewara, Distirct-Sheikhpura.
15. Lalita Devi W/o Sharvan Choudhary, Panchayat Samiti-Lahuna, Block Chewara, Distirct-Sheikhpura.
16. Sunita Devi W/o Sh. Ramswaroop Ravidas, Resident of Village-Kemra, P.O. + P.S.-Ariari, Distirct-Sheikhpura.

... .. Respondent/s

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Appearance :

For the Appellant	: Mr. Jitendra Kumar Roy, Advocate.
For the State Election Commission	: Mr. Amit Shrivastava, Advocate
	Mr. Girish Pandey, Advocate
For the Respondents	: Mr. Dharendra Kumar AC to AAG6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 26-10-2018

By order dated 03.08.2018 passed by the learned Single Judge in C.W.J.C. No. 14578 of 2018, the resolution dated 19.07.2018 passed by the Chewara Panchayat Samiti declaring no confidence in the Pramukh of the Samiti has been upheld.

2. The aforesaid judgment has been challenged by the appellant who is the Up-Pramukh of Chewara Panchayat Samiti and who was the original writ petitioner before the learned Single Judge.

3. On refusal of the Pramukh to convene a special meeting for expressing no confidence against him within 15 days of the requisition in that regard by five members of the Samiti, 1/3rd of the total directly elected members fixed 19.07.2018 as the date for such meeting. A request was made to the Executive Officer to give notice to the members of such meeting which was scheduled on 19.07.2018 at 11:00 A.M. Notice was issued vide Letter No. 609 dated 11.07.2018 informing the Pramukh, the appellant (Up-Pramukh) and members about the scheduled date (19.07.2018) of the meeting at 11:00 A.M. The requisition referred to above contained three pages enclosure delineating the charges against the Pramukh.



4. In the aforesaid meeting, in presence of the Supervisor appointed by the District Magistrate, the resolution was passed by observing all formalities.

5. The appellant challenged the notice dated 11.07.2018 and the resolution dated 19.07.2018 on the grounds that the notice did not contain the charges against the Pramukh and since the notice was bad, the resolution dated 19.07.2018 also was unsustainable.

6. The aforesaid contention of the appellant (original writ petitioner) was controverted by the State.

7. It appears that as mandated under Section 44(3) of the Bihar Panchayat Raj Act, 2006, 1/3rd members of the Samiti expressed lack of confidence in the Pramukh for which requisition was sent for convening special meeting. Since meeting was not convened, a date was fixed. The notice contained three extra sheets. The resolution dated 19.07.2018 clearly discloses that charges were read over, explained and deliberated upon.

8. The learned Single Judge did not see any infraction of any rule in that regard and found that the original writ petitioner did not have the locus to challenge either the notice or the resolution.

9. We are in complete agreement with the learned Single Judge and are of the view that the judgment impugned does not call for any interference.



10. The appeal is dismissed but without costs.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.11.2018
Transmission Date	

