

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4634 of 2019

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Binod Kumar Yadav @ Binod Kumar S/o Radhe Prasad Yadav, Res. of Vill.-
Lakshmipur Ward No. 13, Dorwar, P.S.- Jay Nagar, Distt.- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, Madhubani.
3. The Deputy Development Commissioner, Madhubani.
4. The Panchayat Samiti Jay Nagar through its Executive Officer Cum Block Development Officer, Jay Nagar.
5. Sachin Kumar Singh S/o Bipin Bihari Singh, Pramkukh Panchayat Samiti Jay Nagar, Res. of Vill.- and P.S. Jay Nagar, Distt.- Madhubani.
6. Mithilesh Paswan S/o Ram Narayan Paswan, Up- Pramkukh Panchayat Samiti Jay Nagar, Res. of Vill.- Hanumanagar, P.S. Jay Nagar Distt.- Madhubani.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Jagdish Prasad Singh, Advocate
For the Respondent/s : Mr.Prem Ranjan Raj, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-11-2019 This writ application has been preferred seeking a declaration that the 'No Confidence Motion' be deemed to have been passed against the respondent nos. 5 and 6.

Learned counsel for the petitioner submits that one of the members was in jail custody and could not be produced at the time of discussing the 'No Confidence Motion'.

On perusal of Annexure 'C' to the counter affidavit which is the minute of the special meeting held for discussing the 'No Confidence Motion' would show that out of 21



members only 10 members were present in the said meeting. For passing the resolution at least 11 members were required to have voted in favour of the resolution.

In view of the statutory requirement since the majority of the whole number of the members is required, therefore, in absence of at least 11 members required to be present and have voted in favour of the resolution, no fault may be found with the Resolution as contained in Annexure 'C' to the counter affidavit.

In such circumstance, this Court cannot issue a direction as prayed for. The writ application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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