

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5640 of 2019

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Ram Briksh Mahto S/o Late Ramnarayan Mahto Res. of Vill.- Basudeopur,
P.S- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Chairman State Election Commission, Bihar, Patna.
3. The District Magistrate Samastipur.
4. The District Panchayati Raj Officer Samastipur.
5. The Block Development Officer Kalyanpur.
6. The Mukhiya Gram Panchayati Raj Basudeopur, P.S.- Kalyanpur Distt.- Samastipur.
7. The Panchayat Secretary Basudeopur, P.S- Kalyanpur, Distt.- Samastipur.
8. Shyam Sundar Mahto S/o Dhanichand Mahto Res. of Vill.- Basudeopur, P.S.- Kalyanpur, Distt.- Samastipur.
9. Devendra Paswan S/o Narayan Paswan Res. of Vill.- Basudeopur, P.S.- Kalyanpur, Distt.- Samastipur.
10. Jagdeo Mahto S/o Late Paltu Mahto Res. of Vill.- Gopalpur, P.S.- Kalyanpur, Distt.- Samastipur.
11. Vinay Kumar S/o Late Yodendra Pd. Singh Res. of Vill.- Basudeopur, P.S.- Kalyanpur, Distt.- Samastipur.
12. Ijharul Haque S/o Md. Asgar Ali Res. of Vill.- Gopalpur, P.S.- Kalyanpur, Distt.- Samastipur.
13. Sunita Devi W/o Jaykishore Sah Res. of Vill.- Maniarpur, P.S.- Kalyanpur, Distt.- Samastipur.
14. Putul Devi W/o Basudeopur P.S.- Kalyanpur, Distt.- Samastipur.
15. Neelam Devi W/o Manjay Kumar Res. of Vill.- Basudeopur, P.S.- Kalyanpur, Distt.- Samastipur.
16. Seeva Devi W/o Niranjan Kumar Res. of Vill.- Maniarpur, P.S.- Kalyanpur, Distt.- Samastipur.
17. The State Election Commission Through the Commissioner, Birchand Patel Path, Sone Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Advocate
For the Respondent/s	:	Mr.Prem Ranjan Raj AC to SC7
For the S.E.C.	:	Mr. Amit Shrivastava, Advocate
		Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-11-2019 Petitioner in the present case has moved this court challenging the resolution dated 20.09.2018 passed in the special meeting held to discuss the no confidence motion against the petitioner who happened to be Up-Mukhiya of the Gram Panchayast Raj, Basudeopur under Kalyanpur Block of Samastipur District.

A prayer has been made to restrain the respondents from proceeding further in the light of the resolution dated 20.09.2018 for filling up the post of Up-Mukhiya of the Gram Panchayat.

Learned counsel for the State Election Commission as well as the State submit that after the post of Up-Mukhiya fell vacant, elections have already been held and the post has been filled up. The petitioner is moving this court at this stage much after the resolution of no confidence was passed and the elections have already been held. It is submitted that the election cannot be challenged now in a writ petition.

This court finds from perusal of the records that the petitioner has not even challenged the election in the writ petition rather she has moved this court for quashing of the resolution of no confidence motion at this stage.



In the opinion of this court, if the petitioner has any grievance with respect to the election of the newly elected Up-Mukhiya, the same may be challenged only by way of an election petition. To that extent, liberty is available to the petitioner.

With the aforesaid liberty, the Writ Application stands disposed off.

(Rajeev Ranjan Prasad, J)

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