

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7566 of 2020

1. Sanjay Ram Son of Arjun Ram Resident of Village- Halsi, Post Office- Halsi, Police Station- Halsi, District- Lakhisarai.
2. Sri Devi Wife of Raj Kumar Mahto Resident of Village- Mohiuddin Nagar, Post Office- Mohiuddin Nagar, Police Station- Halsi, UP Pramukh, Block Panchayat Samittee, Halsi, District Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayat, Government of Bihar, Patna.
2. The District Magistrate-cum- District Election Officer, (Panchayat), Lakhisarai.
3. The Block Development Officer-cum- Executive Officer, Block Panchayat Samittee, Halsi, District- Lakhisarai.
4. The State Election Commission, Bihar, Patna, through its Secretary, Bihar, Patna.
5. Sangita Devi Wife of Kunwar Paswan Resident of village- Lalpur, Post Office- Tarhari, Police Station and Block- Halsi, District- Lakhisarai, Member Panchayat Samittee, Bhanpur Gram Panchayat, Block- Halsi, District- Lakhisarai.
6. Janak Devi Wife of Masudan Yadav Resident of Village and Post Office- Dheera, Police Station and Block- Halsi, District- Lakhisarai, Member Panchayat Samittee, Dheera Gram Panchayat, Block and Police Station- Halsi, District- Lakhisarai.
7. Mahesh Manjhi Son of Shyam Sundar Manjhi Resident of Village- Ballopur, Post Office- Matasi, Police Station and Block- Halsi, District- Member, Panchayat Samittee, Gram Panchayat Ballopur, Block- Halsi, District- Lakhisarai.
8. Ajay Kumar Son of Triloki Yadav Resident of Village- Sirkhindi, Post Office- Bahchha, Police Station- Halsi, District- Lakhisarai, Member Panchayat Samittee, Gram Panchayat Sirkhindi, Block- Halsi, District- Lakhisarai.
9. Awadhesh Thakur Son of Sukhdeo Thakur Resident of Village- Lahuara, Post Office- Nauma, Police Station- Halsi, District- Lakhisarai, Member, Panchayat Samittee, Gram Panchayat Ra, Shrikhindi, Block- Halsi, District- Lakhisarai.
10. Sunita Devi Wife of Yogendra Kumar Rai Resident of Village- Sheikhpura, Post Office- Parsama, Police Station- Halsi, District- Lakhisarai, Member, Panchayat Samittee, Gram Panchayat, Kaindi, Block- Halsi, District- Lakhisarai.
11. Bhaso Paswan Son of Churaman Paswan Resident of Village and Post Office- Kaindi, Block- Halsi, Member Panchayat Samittee No. 2, Gram Panchayat Kaindi, Block- Halsi, District- Lakhisarai.



12. Vijay Paswan Son of Shrawan Paswan Resident of Village and Post Office- Halsi, Police Station- Halsi, District- Lakhisarai, Member Panchayat Samittee Bhag- 9, Gram Panchayat Raj, Halsi, Block- Halsi, District- Lakhisarai.
13. Ram Bhushan Sharma Son of Hardeo Sharma Resident of Village- Bahrama, Post Office- Pursanda, Police Station- Halsi, District- Lakhisarai, Member Panchayat Samittee, Gram Panchayat Raj, Gema Pursanda, Block- Halsi, District- Lakhisarai.
14. Gyatri Devi Wife of Shrawan Mahto Resident of Village and Post Office- Pursanda, Police Station- Halsi, District- Lakhisarai, Member Panchayat Samittee, Gram Panchayat Raj Gema Parsanda, Block- Halsi, District- Lakhisarai.
15. Dharmendra Kumar Son of Late Ishwar Thakur Resident of Village and Post Office- Sarh Maph, Police Station- Halsi, District- Lakhisarai, presently member Panchayat Samittee, Gram Panchayat Raj, Sarh Maph, Block- Halsi, District- Lakhisarai.
16. Meena Devi Wife of Akhilesh Ram Resident of Village and Post Office- Shivsona, Police Station- Halsi, District- Lakhisarai, Member Panchayat Samittee, Gram Panchayat Raj, Sarh Maph, Block- Halsi, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Arun Kumar, Advocate
For the Respondent/s : Ms Archana Meenakshee

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 18-09-2020

Mr Arun Kumar, learned counsel for the petitioners, at the very outset, submits that due to inadvertence, wrong vakalatnama has been submitted in this case. He undertakes that by the end of the day, he will be forwarding photostat copy of the correct vakalatnama executed by the petitioners, by E-mail. He further undertakes that other defects, as pointed out, shall be removed, as and when called upon by this Court to do so.



2 This case has been taken up for consideration through Video Conferencing.

3 Heard learned counsel for the petitioners and the State.

4 Petitioners' counsel submits that petitioners No 1 and 2 were the Pramukh and Up Pramukh. It is submitted that the requisition for removal of the petitioners was submitted through the Executive Officer and that the same was not served on all the Panchayat Samiti Members and, therefore, he submits that the requisition dated 14.02.2020 leading to his removal in the Special Meeting dated 22.02.2020 (Annexure 4) is bad in law.

5 Ms Archana Meenakshi appears on behalf of the State. She submits that as per averments made in paragraphs 7 and 8 of the writ petition, petitioner No 1 himself has fixed the date of convening the Special Meeting of the Panchayat Samiti on 22.02.2020.

6 Nothing has been brought on record by the petitioners in the writ petition to show that thereafter they raised any objection in this regard before any Authority. The resolution of the Special Meeting dated 22.02.2020 clearly shows that the Motion of No Confidence was carried through by 8 members out of 12. Subsequent thereto, the Secretary, State Election



Commission, Bihar, Patna has also issued a Communication dated 07.03.2020 to the District Magistrate -cum- District Election Officer (Panchayat), Luckeesarai to complete the process of election of new Pramukh/Up Pramukh on 23.03.2020 after ensuring service of notice for the election by 15.03.2020. Much thereafter, the writ petition has been filed on 07.09.2020. It is further submitted that the election was finally held on 26.08.2020.

7 In view of the aforesaid facts, the petitioners have not approached any Authority diligently objecting to the notice of No Confidence Motion dated 14.02.2020 and even after their removal dated 22.02.2020. Only after the fresh election was fixed and now after the same has already been conducted, even as per submission of learned counsel for the petitioners on 26.08.2020, there is no scope for this Court to undo all that has democratically been done till date in exercise of jurisdiction under Article 226 of the Constitution of India.

8 Writ petition, therefore, is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2020
Transmission Date	NA

