

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18734 of 2021

Arvind Paswan S/o Late Krishna Paswan Resident of Ward no.-15, Punjabi
Muhalla, Police Station- Kabaiya, District- Lakhisarai, Bihar.

... .. Petitioner

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
2. The Director Department of Urban Development and Housing, Government of Bihar, Patna.
3. The District Magistrate Lakhisarai.
4. The Executive Officer Nagar Parisad, Lakhisarai.
5. Smt. Sudha Kumari Ward Councilor, Ward No. 1, Nagar Parisad, Lakhisarai.
6. Shiv Shankar Ram Ward Councilor, Ward No. 2, Nagar Parisad, Lakhisarai.
7. Sri Chandan Kumar Ward Councilor, Ward No. 3, Nagar Parisad, Lakhisarai.
8. Smt. Neelu Kumari Ward Councilor, Ward No. 4, Nagar Parisad, Lakhisarai.
9. Smt. Sunaina Devi Ward Councilor, Ward No. 5, Nagar Parisad, Lakhisarai.
10. Smt. Shalini Kumari Ward Councilor, Ward No. 6, Nagar Parisad, Lakhisarai.
11. Sri Sunil Kumar, Vice- Chairman Ward Councilor, Ward No. 7, Nagar Parisad, Lakhisarai.
12. Smt. Neelam Devi Ward Councilor, Ward No. 8, Nagar Parisad, Lakhisarai.
13. Smt. Manju Devi Ward Councilor, Ward No. 9, Nagar Parisad, Lakhisarai.
14. Smt. Shashi Devi Pandey Ward Councilor, Ward No. 10, Nagar Parisad, Lakhisarai.
15. Sri Mahesh Prasad Sinha Ward Councilor, Ward No. 11, Nagar Parisad, Lakhisarai.
16. Smt. Putul Devi Ward Councilor, Ward No. 12, Nagar Parisad, Lakhisarai.
17. Smt. Kamali Devi Ward Councilor, Ward No. 13, Nagar Parisad, Lakhisarai.
18. Sri Ranjit Kumar Ward Councilor, Ward No. 14, Nagar Parisad, Lakhisarai.
19. Sri Gautam Kumar Ward Councilor, Ward No. 16, Nagar Parisad, Lakhisarai.
20. Smt. Urpramila Devi Ward Councilor, Ward No. 17, Nagar Parisad, Lakhisarai.
21. Smt. Janak Nandini Devi Ward Councilor, Ward No. 18, Nagar Parisad, Lakhisarai.
22. Smt. Neelam Devi Ward Councilor, Ward No. 19, Nagar Parisad, Lakhisarai.
23. Sri Surendra Mandal Ward Councilor, Ward No. 20, Nagar Parisad, Lakhisarai.
24. Sri Amarjeet Kumar Ward Councilor, Ward No. 21, Nagar Parisad, Lakhisarai.



25. Smt. Sadhana Devi Ward Councilor, Ward No. 22, Nagar Parisad, Lakhisarai.
26. Sri Shrawan Prasad Sao Ward Councilor, Ward No. 23, Nagar Parisad, Lakhisarai.
27. Smt. Mala Devi Ward Councilor, Ward No. 24, Nagar Parisad, Lakhisarai.
28. Smt. Arti Devi Ward Councilor, Ward No. 25, Nagar Parisad, Lakhisarai.
29. Smt. Kavita Devi Ward Councilor, Ward No. 26, Nagar Parisad, Lakhisarai.
30. Smt. Sheela Verma Ward Councilor, Ward No. 27, Nagar Parisad, Lakhisarai.
31. Smt. Munni Devi Ward Councilor, Ward No. 28, Nagar Parisad, Lakhisarai.
32. Smt. Renu Kumari Ward Councilor, Ward No. 29, Nagar Parisad, Lakhisarai.
33. Sri Prakash Mahto Ward Councilor, Ward No. 30, Nagar Parisad, Lakhisarai.
34. Sri Heera Kumar Sao Ward Councilor, Ward No. 31, Nagar Parisad, Lakhisarai.
35. Smt. Sushma Devi Ward Councilor, Ward No. 32, Nagar Parisad, Lakhisarai.
36. Smt. Manju Devi Ward Councilor, Ward No. 33, Nagar Parisad, Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. S.B.K.Mangalam, Advocate Mr. Krishna Chandra, Advocate
For the Respondent State:		Mr. Yogendra Prasad Sinha, AAG-7 Mr. Shankar Kumar, AC to AAG-7
For the Respondent S.E.C. :		Mr. Sanjeev Nikesh, Advocate
For Respondent No.4	:	Mr. Avinash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 21-12-2021 This writ application was filed originally seeking quashing of requisition of 'no confidence motion' and consequential notice dated 16.10.2021, against the petitioner, who held the post of Chief Councilor, Nagar Parishad, Lakhisarai. Subsequent to filing of the present writ application, admittedly, a special meeting was convened in which the 'no



confidence motion' was brought against the petitioner. The said 'no confidence motion' has been successfully carried out and accordingly the petitioner has been removed from the post of the Chief Councilor. The said action of the petitioner's removal, consequent upon passing of 'no confidence motion', is sought to be challenged by seeking amendment in the writ application through I.A. No. 1 of 2021.

Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the petitioner has submitted that the requisition was addressed to the Executive Officer of Nagar Parishad, Lakhisarai, which ought to have been addressed to the petitioner, and, therefore, the requisition itself being bad and accordingly the subsequent 'no confidence motion' passed against the petitioner cannot be sustained, being patently illegal.

Be that as it may, it is an admitted fact that the said requisition for convening a special meeting to move 'no confidence motion' was placed before the petitioner by the Executive Officer and the petitioner did, in fact, participate in the special meeting in which 'no confidence motion' was brought against him.

In such circumstance, we do not find illegality in petitioner's removal from the post of Chief Councilor



consequent upon passing of the 'no confidence motion'. The writ application, in our opinion, has no merit and is accordingly dismissed.

Interlocutory applications stand disposed of.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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