

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6967 of 2021

Puspa Kumari Wife of Kedarnath Singh Resident of Mohala- Bigan Bigha,
ward No.- 22, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Principal Secretary Urban Development and Housing Department, Government of Bihar, Patna.
2. The Special Secretary Urban Development and Housing Department, Government of Bihar, Patna.
3. The State Election Commission State of Bihar, 5th floor Sone Bhawan, Patna, represented through its Secretary,
4. The Secretary State Election Commission State of Bihar, 5th Floor Sone Bhawan, Patna.
5. The District Magistrate-cum- District Election Officer Aurangabad.
6. Election Officer- Cum- Sub- Divisional Officer Daudnagar, Aurangabad.
7. The Executive Officer Daudnagar Parishad.
8. Jagesweri Devi Wife of Shambhu Kumar R/o- Kasera Toli, Ward No. -17, P.s.- Daudnagar, District- Aurangabad, the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
9. Siman Kumari, Devi Wife of Santosh Kumar R/o- Goghat, Ward No.-26, Daudnagar, District- Aurangabad, the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
10. Tariqe Anwer Son of Not Known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
11. Shakika Banoo Wife of Not Known to the Petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
12. Basant Kumar Son of not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
13. Shuheal Ansari Son of Not Known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
14. Raju Ram Son of Not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
15. Hassina Khatoon Wife of Not known to the Petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.



16. Suminter Saw Son of Not known to the Petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
17. Kanti Devi Wife of Not known to the Petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
18. Pramod Kumar Singh Son of Not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
19. Minu Singh Wife of not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
20. Deepa Kumari Wife of not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
21. Shushila Devi Wife of Not Known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
22. Mamta Devi Wife of Not known to the Petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
23. Lalita Devi Wife of Not known to the Petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
24. Lilawati Devi Wife of Not Known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
25. Soni Devi Wife of not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
26. Punam Devi Wife of not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
27. Rina Devi @ Reema Devi Wife of Not Known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
28. Dinesh Prasad Son of Not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
29. Nand Kishore Choudhary Son of Not Known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
30. Seema Devi Wife of Not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
31. Koushlendra Kumar Son of Not Known to the petitioner the Ward



- Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
32. Indu Devi Wife of Not Known to the petitioner and the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.
33. Satish Kumar Son of Not known to the petitioner the Ward Councilors of Nagar Parishad, Daudnagar, through the Executive Officer, Nagar Parishad, Daudnagar, P.O. and P.S.- Daudnagar, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Adv
Mr. Rajiv Ranjan Kr. Pandey
For the Respondent/s : Mr. Amit Shrivastava, Sr. Adv
Mr. Girish Pandey
Mr. Avinash
Mr. Y.P. Sinha, AAG 7

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

5 15-02-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

Mr. Shri Prakash Srivastava, learned counsel appearing on behalf of the petitioner, has very fairly submitted to this Court that in view of this Court's decision in cases of *Sabila Khatoon & Ors. vs. the State of Bihar & Ors.* reported in 2017 (2) PLJR 29, *Nasima Khatoon vs. the State of Bihar & Ors.* reported in 2017 (2) PLJR 205, C.W.J.C. No. 4384/2020 (*Ramavati Devi vs. the State of Bihar & Ors*) dated



03.08.2021 and L.P.A. No. 1077 of 2014 in C.W.J.C. No. 11227/2014 (*Rajeshwar Prasad vs. the State of Bihar & Ors.*) dated 04.08.2014, the petitioner's contention that the requisition for no-confidence motion ought to have been served by the Chief Councilor personally on the petitioner is not tenable.

It may be noted that non-service of requisition on the petitioner for bringing no-confidence motion against the petitioner was the only ground taken to question the validity of the impugned notice dated 20.02.2021, whereby the special meeting for bringing no-confidence motion against the petitioner who was the Chief Councilor of *Daudnagar Parishad* was sought to be convened.

Considering the facts and circumstances noted above, this application is dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

SUMIT/-

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