

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17852 of 2023

Prof. (Dr.) Ram Bali Singh Son of Late Ramanand Singh, Resident of Village-
Ojha Bigha, P.O.- Baidrabad, P.S.- Arwal, District- Arwal, presently Member
of Bihar Legislative Council, Bihar, Patna.

... .. Petitioner/s

Versus

1. The Bihar Legislative Council Patna through the Secretary.
2. The Secretary, The Bihar Legislative Council, Patna.
3. Sri Sunil Kumar Singh, Son of not known to the petitioner, Presently Chief Whip (Ruling Party), resident of 101, Kanti Palace, Shastri Nagar, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Aditya Prakash Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-12-2023

Heard the parties.

2. The present writ application has been filed for quashing the order/notice dated 21.11.2023, issued by the respondent no. 2, by which the petitioner has been called upon to show cause as to why his membership of Bihar Legislative Council cannot be terminated in exercise of power under Tenth Schedule of Constitution read with **Bihar Legislative Member Disqualification Rules, 1994** (herein after referred to as Disqualification Rules, 1994).

3. The learned counsel for the petitioner has made detailed argument in support of this case and has submitted that the show cause notice is in violation of the Rules-6(2) of the Disqualification Rules, 1994 and the notice is back in law and, therefore, the same should be interfered with by this Court.



4. The learned counsel appearing for the Legislative Counsel has submitted that this Court may not interfere in a show cause notice as the petitioner has the liberty and right to challenge the show cause notice before the Chairman of the Bihar Legislative Counsel, as such, by filing his reply to the show cause notice and taking an objection that the notice could not have been issued to the petitioner as the complainant has not complied with the mandatory provisions of the Disqualification Rules, particularly Rule-6 of the Disqualification Rules, 1994.

5. I am of the view that the petitioner has liberty to raise all the grounds before the Chairman of the Legislative Counsel including the illegality of the notice and the subsequent proceedings also. If such a reply to the show cause notice is filed, then it is for the Chairman of the Legislative Counsel to consider the same and pass necessary orders.

6. In these circumstances, I am not inclined to interfere in this matter.

7. This writ application is, therefore, disposed of in view of the discussions above.

(Sandeep Kumar, J)

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