

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.564 of 2024

Nikki Kumari Wife of Shri Ajay Kumar, R/o Village Titai Bigha, P.S.-
Makdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-cum-District Magistrate, District- Jehanabad.
5. The District Panchayat Raj Officer, Jehanabad.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
7. Sanjay Paswan, Son of Devlakshan Paswan, R/o Village Katrasin, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Panchayat Rampur. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
8. Babita Kumari, Wife of Pawan Paswan, R/o Village- Makpa, P.S. Barabar, District- Jehanabad, Member Secretary, Panchayat Dkara. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
9. Anju Kumari, Wife of Bhushan Kumar, R/o Village- Anandi Bigha, P.S. Mukdumpur, District- Jehanabad, Member Secretary, Panchayat Kalnaur, Part-2. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
10. Nitu Kumari, Wife of Rajeev Kumar, R/o Village- Indrapur, P.S. Mukdumpur, District- Jehanabad, Member Secretary, Solhand Panchayat, Part- 2. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
11. Sanjay Paswan, Son of Munni Paswan, R/o Village - Chillaauri, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Malathi, Part-1, Sr No. 13. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
12. Pukar Paswan, Son of Late Bhanji Paswan, R/o Village - Raja Bigha, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Panchayat



- kachthawan. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
13. Akhilesh Sharma, Son of Arjun Sharma, R/o Village - Koyali, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Bhelaush, Part- 1. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 14. Nitu Kumari, Wife of Sanjya Sao, R/o Village - Dodha, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Sumeri. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 15. Seema Devi, Wife of Rajesh Sharma, R/o Village - Suji, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Malathi, Part- 2. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 16. Sarbila Devi, Wife of Uday Mahto, R/o Village Saren, P.S.- Mukdumpur, District-Jehanabad, Member Secretary, Saren. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 17. Rabanti Devi, Wife of Rajeev Kumar, R/o Village - Mishripur, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Punadih Panchayat. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 18. Awadhesh Prasad, Son of Antu Ram, R/o Village - Devkuli Math, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Kohara Panchayat. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 19. Kiranti Devi, Wife of Subodh Kumar, R/o Village - Madarichak, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Kohara, Part-1. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 20. Pushpa Devi, Wife of Saket Kumar, R/o Village - Prabhat Nagar, P.S.- Barabar, District- Jehanabad, Member Secretary. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
 21. Vilash Chaudhary, Son of Late Bulkan Choudhary, R/o Village - Meera Bigha, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Sugaon Panchayat.



22. Sunita Singh, Wife of Baban Singh, R/o Village - Chandai, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Harahari Pachami, Part- 2. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.
23. Baby Devi, Wife of Tuntun Kumar, R/o Village - Mali Bigha, P.S.- Mukdumpur, District- Jehanabad, Member Secretary, Makarpur Panchayat. Panchayat Samiti Member of the Block Panchayat Samiti, Makdumpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Makdumpur, Block- Makdumpur, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For respondents no. 7 to 23: Mr. S.B.K. Mangalam, Advocate
For the Respondent/s : Mr. Government Pleader 17

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-01-2024 Heard Mr. Sumit Shekhar Pandey, learned counsel appearing on behalf of the petitioner; Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the respondents no. 7 to 23 and learned GP-17 for the State.

2. Learned counsel appearing on behalf of the petitioner submitted that the requisition dated 30.12.2023 is devoid of any clear and specific charges against the petitioner and the same being in violation of Section 44 (3) (iv) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act') is required to be set aside.

3. Mr. S.B.K. Mangalam, learned counsel appearing on behalf of respondents no. 7 to 23 also admits that from perusal of requisition it appears that specific charges have not



been made against the petitioner.

4. Considering the aforesaid submission made on behalf of the parties and having perused the requisition dated 30.12.2023, the same do not confirm the provision of Section 44(3)(iv) of the Act, 2006, is hereby set aside and quashed.

5. The writ petition is allowed.

(Purnendu Singh, J)

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