

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.665 of 2024

Khadija Islam Daughter of Md. Islam, W/o Md. Zafar Islam Resident of
Abgila (Near Badi Masjid), P.O. Buniyadganj, P.S. Mufassil, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department Government of Bihar, Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Sub-Divisional Officer, Gaya Sadar, District-Gaya
6. The Block Development Officer Manpur-cum-Executive Officer, Block Panchayat Samiti, Manpur, District-Gaya.
7. The Secretary, State Election Commission, Bihar.
8. Nitu Parmar Wife of Rakesh Kumar Singh Resident of Village- Delha Nanauk, P.O.- Bijo Bigha, P.S. Buniyadganj, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
9. Satendra Chaudhary Son of Late Munsii Chaudhary Resident of Village- Nanauk, P.O.- Sondhi, P.S. Buniyadganj, Manpur, P.S. Buniyadganj, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
10. Rina Devi Wife of Shankar Yadav Resident of Village- Kukyasin, P.O.- Bijo Bigha, P.S. Buniyadganj, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
11. Asha Devi Wife of Manoj Thakur Resident of Village- Naudharya, P.O.- Bijo Bigha, P.S.- Buniyadganj, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
12. Chinta Devi Wife of Balmiki Das Resident of Village- Bhore, P.S. Mufassil Manpur, District- Gaya (Bihar), PIN- 823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
13. Deelip Chaudhary Son of Khaderan Chaudhary Resident of Village- Sanaut Sariya, P.O.- Goga, P.S. Mufassil Manpur, District-Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block

Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.

14. Renu Devi Wife of Mahendra Das Resident of Village- Gere, P.O.- Buniyadganj, P.S. Mufassil, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
15. Dharmendra Kumar Singh Son of Ram Vilas Singh Resident of Near Mahadev Asthan, Gram-Sikhar, P.O. Buniyadganj, P.S. Mufassil, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
16. Jahara Khatoon Wife of Md. Islam Resident of Village- Jagdishpur Abgila Manpur, P.O. Buniyadganj, P.S. Mufassil, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
17. Shabana Khatoon, Wife of Md. Motassim Nauranga Resident of Navranga Masjid, P.O. Buniyadganj, P.S Mufassil, District- Gaya (Bihar), PIN-823003 Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
18. Malti Devi Wife of Iswar Dayal Resident of Village Budhgere, P.S Budhgere Manpur, P.S. Mufassil, District- Gaya (Bihar), PIN-823003. Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
19. Jitendra Kumar Singh Son of Chamari Singh Resident of Village- Budhgere, P.O. Budhgere, P.S Budhgere Manpur, P.S. Mufassil, District- Gaya (Bihar), PIN-823003 Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
20. Mandal Kumar Son of Kishori Yadav Resident of Village- Mayapur, P.O. Budhgere, P.S Mufassil, District- Gaya (Bihar), PIN-823003 Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
21. Sharda Devi Wife of Akilesh Chaudhary (Kaya), Resident of village- Chiraila, P.O. Kharhari, P.S Mufassil, District- Gaya (Bihar), PIN-823003 Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
22. Akhtar Hussain Son of Late Md. Islam Resident of Village- Surahari Manpur, P.O. Bhadeji, P.S Mufassil, District- Gaya (Bihar), PIN-823003 Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.
23. Shaili Devi Wife of Sanjay Chaudhary Resident of village- Tulshi Bigha, P.O. Sohaipur, P.S.- Mufassil, District- Gaya (Bihar), PIN-823003.

Respondent are the members of Block Panchayat Samiti, Manpur, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manpur, P.S. Mufassil, District- Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2778 of 2024

Nitu Parmar wife of Rakesh Kumar Singh, Resident of Village- Bijubigha, P.O- Bijubigha, P.S- Buniyadganj, Dist- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Vibhag, Sachiwalay, Government of Bihar, Patna.
2. The Director, Panchayat Raj Department, Government of Bihar, Patna.
3. The District Collector, Gaya.
4. The Executive Office cum Block Development Officer, Manpur (Gaya).
5. Khadija Islam, Wife of Md. Zafar Islam, Resident of Abgila (Near Badi Masjid), P.O- Buniyadganj, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
6. Satyendra Chaudhary, son of Late Munsii Chaudhary, Resident of Village- Mahuaar, P.O- Sondhi, P.S- Buniyadganj, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
7. Asha Devi, wife of Manoj Thakur, Resident of Village- Naudharya, P.O- Bijubigha, P.S- Buniyadganj, Dist.- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
8. Chinta Devi, wife of Balmiki Das, Resident of Village- Bhore, P.S- Mufassil Manpur, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
9. Rina Devi, wife of Shankar Yadav Resident of Village Kukyasin, P.O- Bijubigha, P.S- Buniyadganj, Dist.- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
10. Dilip Chaudhary, son of Khaderan Chaudhary, Resident of village- Sanaut Sariya, P.O- Goja, P.S- Mufassil Manapur, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
11. Renu Devi, wife of Mahendra Das, Resident of village- Gere, P.O.- Buniyadganj, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
12. Dharmendra Kumar Singh, son of Ram Vilas Singh, Resident of near Mahadev Asthan, Gram-Sikhar, P.O- Buniyadganj, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
13. Jahara Khatoon, wife of Md. Islam, Resident of village Jagdishpur Abgila Manpur, P.O- Buniyadganj, P.S- Mufassil, Dist- Gaya, the members of Block Panchayat Samiti, Manpur Block, Gaya.

- 14. Shabana Khatoon, wife of Md. Motassim Nauranga, Resident of Navranga Masjid, P.O- Buniyadganj, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
- 15. Malti Devi, wife of Iswar Dayal, Resident of village- Vudhgere, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
- 16. Jitendra Kumar Singh, son of Chamari Singh, Resident of village- Budhgere, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
- 17. Mandal Kumar, son of Kishori Yadav, Resident of village- Mayapur, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
- 18. Sharda Devi, wife of Akilesh Chaudhary, Resident of village- Chiraila, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
- 19. Akhtar Hussain, son of Late Md. Islam, Resident of village Surahari Manpur, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.
- 20. Shaili Devi, wife of Sanjay Chaudhary, Resident of village- Tulshi Bigha, P.O- Sohaipur, P.S- Mufassil, Dist- Gaya, the member of Block Panchayat Samiti, Manpur Block, Gaya.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 665 of 2024)

For the Petitioner/s	:	Mr. Ravi Raj, Advocate Mr. Ravi Shankar Pathak, Advocate
For the Resp. No.	:	
8,18,22,23	:	Mr. Rajiv Kumar Singh, Advocate
	:	Mr. Gyanendra Kumar Diwakar, Advocate
	:	Mr. Uday Kumar M., Advocate
	:	Mr. Anand Kumar, Advocate
	:	Mr. Bibek Kumar, Advocate
For the Respondent/s	:	Government Pleader (13)
(In Civil Writ Jurisdiction Case No. 2778 of 2024)		
For the Petitioner/s	:	Mr. Anand Kumar, Advocate
For the Resp. No.	:	
6, 14, 15, 18, 19, 20	:	Mr. Nikunj Shekhar, Advocate
For the Respondent/s	:	Mr. Rajiv Kumar Singh, Advocate
	:	Mr. Uday Kumar M., Advocate
	:	Mr. Gyanendra Kumar Diwakar, Advocate
For the Respondent/s	:	Standing Counsel 9

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
Date : 22-03-2024

The matter was heard in hybrid mode.

2. Heard learned counsels appearing on behalf of the petitioners and the learned counsels for the respondents/State.

3. Mr. Rajiv Kumar Singh, learned counsel appearing on behalf of the respondents in CWJC No.2778 of 2024 informed that Mr. Ravi Raj and Mr. Ravi Shankar Pathak, learned counsels, who are Advocate-on-Record in CWCJ No. 665 of 2024, in spite of the fact that both the cases have been directed to be heard together considering that the matter relates to special meeting convened for removal of Pramukh and Up-Pramukh, Gaya, after obtaining stay from this Court, had deliberately not appeared before this Court on 22.01.2024 and thereafter, the writ petition was dismissed for non-prosecution and it was restored vide order dated 16.02.2024 passed in MJC No.357 of 2024.

4. Learned counsel further submitted that in compliance of order passed by this Court, affidavit has been brought on record on behalf of the respondent nos. 8, 18 and 23. Learned counsel further informed that petitioner of CWJC No.665 of 2024 is now aware of the requisition dated 02.01.2024, which has been brought on record by way of Annexure-1. The requisition is annexed as Annexure-1 to the

writ petition.

5. At this Stage, Mr. Niranjana Kumar learned counsel, who is present in the Court submitted that he will inform Mr. Ravi Raj and Mr. Ravi Shankar Pathak, learned counsels, who have deliberately chosen not to appear before this Court that the writ petition has been notified at serial no.4 of the Cause List.

6. Issue notice to Mr. Ravi Raj and Mr. Ravi Shankar Pathak stating as to why they have chosen not to assist the Court in spite of the fact that the writ petition was taken up in the first half and thereafter considering some to be important, the matter which requires long hearing, it has been heard in the second half.

7. The Block Development Officer, whose presence is required, connected through hybrid mode.

Re:- CWJC No.2778 of 2024.

8. Learned Mr. Rajiv Ranjan Singh, learned counsel appearing on behalf of the petitioners informs that vide order dated 12.01.2024, the special meeting, which was to be convened on 15.01.2024, has been stayed, vide order dated 07.02.2024. He further informs that thereafter, the writ petition was dismissed for default, vide order dated 22.01.2024 and

before its restoration vide order dated 16.02.2024 on said requisition dated 02.01.2024, a fresh date of meeting was fixed to be convened on 08.02.2024. The said meeting was subject matter of CWJC No.2778 of 2024 and the same has been stayed by the District Magistrate, wherein he has assigned the relevant reasons. The concern of the petitioner in CWJC No.2778 of 2024 is that now pleadings are complete and in the counter affidavit filed on behalf of the State in CWJC No.665 of 2024, the requisition dated 02.01.2024 duly addressed to the Pramukh containing 7 specific charges, has been signed by altogether 7 requisitionists. The said fact has been suppressed by the Pramukh in the writ petition and in the garb of the same, the stay order was passed staying the Special Meeting fixed on 15.01.2024 and as a consequence of the same, after the writ petition being dismissed for default, the date was fixed by the requisitionist for special meeting to be held on 08.01.2024 and the same was not carried out on the direction of the District Magistrate and the writ petition bearing CWJC No.665 of 2024 remained pending before this Court.

9. Under the above circumstances, both the writ petitions are disposed of by directing the respective petitioners, who are Pramukh and requisitionst, to fix a date of special

meeting of ‘No Confidence Motion’, in accordance with provision of Sub-section (3) of Section 44 of the Bihar Panchayat Raj Act, 2006.

10. As the order has been passed in presence of Block Development Officer – cum – Executive Officer, he must communicate all the elected members of the Panchayat Samiti, Manpur Block, Gaya without fail and he is required to act within his jurisdiction and not to interfere in any manner with the democratic process, defeating the mandate of the people.

11. With the aforesaid observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

Chn/-
Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2024
Transmission Date	NA