

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.762 of 2024

Shobha Devi, Wife of Sri Kanchan Paswan, resident of Village and P.O. Gadopur, P.S. Mahua, District-Vaishali at Hajipur, presently Up-Mukhiya of Gram Panchayat Raj, Gaspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur. District-Vaishali at Hajipur.
4. The District Panchayat Raj Officer, Vaishali at Hajipur, District-Vaishali at Hajipur.
5. The Block Development Officer, Mahua, District-Vaishali at Hajipur.
6. The Block Panchayat Raj Officer, Mahua, District-Vaishali at Hajipur.
7. The Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
8. Ashok Kumar Sah, son of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
9. Ravi Kumar, son of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
10. Sunil Sah, son of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
11. Dilshad Alam, son of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
12. Parmanand Paswan, son of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
13. Guddi Devi, wife of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
14. Punam Kumari wife of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary,



Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.

15. Rani Khatoon wife of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
16. Punam Devi, Wife of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
17. Brajesh Kumar, son of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.
18. Anita Devi, wife of not known to the petitioner, Ward Members of Gram Panchayat Raj, Gauspur Chak Majahid through the Panchayat Secretary, Gram Panchayat Raj, Gauspur Chak Majahid, Block-Mahua, District-Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S. B. K. Manglam, Advocate.
Mr. Awnish Kumar, Advocate.
For the Respondent/s : Mrs. Archana Meenakshee, GP-6.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT**

Date : 12-01-2024

Heard Mr. S. B. K. Manglam, learned counsel
along with Mr. Awnish Kumar, learned counsel appearing on
behalf of the petitioner and Mrs. Archana Meenakshee, learned
GP-6 for the State.

2. Learned counsel appearing on behalf of the
petitioner seeks to file an application before the District
Magistrate, Vaishali in accordance with the provision of Section
157 of the Bihar Panchayat Raj Act, 2006.

3. Considering the aforesaid submission made on



behalf of the petitioner, the petitioner may file his application before the District Magistrate, Vaishali.

4. The District Magistrate, Vaishali is directed to call for the records relating to the panchayat concerned and exercise his power conferred under Section 157 of the Bihar Panchayat Raj Act and take a final decision regarding no confidence motion moved against Up-Mukhiya.

5. It is made clear that the post of Mukhiya is vacant after the resignation of the Mukhiya and the petitioner has been authorized to function by the Block Panchayat Raj Officer, Mahua as contained in Memo No. 1384 dated 06.11.2023.

6. The District Magistrate, Vaishali in case finds it proper then he may recommend to the Election Commissioner for holding of fresh election of Mukhiya.

7. It is made clear that so far as the meeting of no confidence which is scheduled to be held on 13.01.2024 is concerned, learned State counsel must ensure to communicate forthwith today even before pronouncement of this order to the District Magistrate, Vaishali to take a final decision in the matter and in case he requires some time to adjudicate into the matter, then in that case, he may adjourn the meeting of no confidence



on any other date fixed by him.

8. The petitioner is directed to file his application tomorrow in the office of the District Magistrate, Vaishali at 10:30 A.M. without fail.

9. Mrs. Archana Meenakshee, learned counsel for the State submits that no interference is required as the mandatory provision of Section 18(4)(ii) of the Bihar Panchayat Raj Act has been fulfilled and there is no violation that seven days prior notice has been issued to the petitioner before the meeting of no confidence motion and she submits that no interference is required by this Court at this stage.

10. In case, the petitioner fails to file his application before the District Magistrate, Vaishali, then in that case, the District Magistrate may ensure that the meeting is required to be held at scheduled time on 13.01.2024.

11. The writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.01.2024
Transmission Date	N.A.

