

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1404 of 2024

Mithilesh Yadav son of Ramashish Yadav, R/o Village-Gosaigaon, P.S. Ghoshwari, District-Patna.

... .. 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-Patna.
5. The District Panchayat Raj Officer, Patna.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, District-Patna.
7. Ashmita Kumari, wife of not known, Member Panchayat Samiti, Kumhara Panchayat Area No. 8, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
8. Ashok Kumar, son of not known, Member Panchayat Samiti, Ghoshwari Panchayat Area No. 4, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
9. Lalita Kumari, wife of not known, Member Panchayat Samiti, Taratar-01 Panchayat Area, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
10. Beby Devi, wife of not known, Member Panchayat Samiti, Trimuhan-10 Panchayat Area, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
11. Rupam Kumar wife of not known, Member Panchayat Samiti, Paujana-6 Panchayat Area, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
12. Renu Devi, wife of not known, Member Panchayat Samiti, Kumharar-9 Panchayat Area, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti,



Ghoshwari, Block-Ghoshwari, Patna.

- 13. Rinku Devi, wife of not known, Member Panchayat Samiti, Kurmichak-5 Panchayat Area, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
- 14. Anirudh Kumar, wife of not known, Member Panchayat Samiti, Kadhra-2 Panchayat Area, Block-Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
- 15. Smt. Rojawati Devi, wife of not known, Member Panchayat Samiti, Samayagarh Panchayat Area No. -07, Block Ghoshwari, District-Patna. Panchayat Samiti members of the Block Panchayat Samiti, Ghoshwari through the Block Development Officer cum Executive Officer Block Panchayat Samiti, Ghoshwari, Block-Ghoshwari, Patna.
- 16. The State Election Commission, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Harshvardhan, Advocate
For the Respondent/s	:	Mr. Rajan Prakash, AC to GA- 2
For SEC	:	Mr. Ravi Ranjan, Advocate
For respondent no.9	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-08-2024 Heard Mr. Kumar Harshvardhan, learned counsel for the petitioner, Mr. Ravi Ranjan, learned counsel representing the State Election Commission, Bihar, Patna and Mr. Rajan Prakash, learned SC to GA-2 as also Mr. Sanjay Kumar, learned counsel for respondent no.9.

2. The petitioner has prayed for the following reliefs:

(i) for setting aside the resolution dated 15.01.2024 which was brought in the special meeting



convened by Ghoshwari Panchayat Samiti members for considering no confidence motion which was accordingly passed against the petitioner and he was declared deseated and the post of Pramukh, Ghoshwari Panchayat Samiti was declared vacant;

(ii) to declare that the requisition for no confidence motion itself was invalid and illegal being in teeth with judgment of this Hon'ble Court reported in 2006(1)PLJR-129.

(iii) for a declaration that since the petitioner has been elected as Pramukh on 30.12.2021 no confidence motion can be brought before completion of two years of tenure as Pramukh i.e. only after 30.12.2023;

(iv) during pendency of the writ



petition, he respondents may be restrained from holding fresh election for the post of Pramukh; (v) to grant any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.

3. Though, learned counsel for the petitioner by his submission impressed the Court, the facts were otherwise and this Court in that background is/was not inclined to extend any relief to the petitioner who subsequently contested the vacant post of ‘Pramukh’ of Ghoshwari Block Panchayat Samiti, Patna.

4. Learned counsel for the petitioner submits that he shall be exploring alternative remedy in the matter.

5. Appreciating the said stand, the writ petition stands disposed of.

(Rajiv Roy, J)

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