

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1438 of 2024

1. Ranjeet Kumar Gupta @ Ranjeet Kumar Son of Vidyanand Sah, Resident of Village and P.O.- Dharam Parsa, P.S. Manjha, District - Gopalganj.
2. Braj Bhushan Yadav, Son of Ramadhar Yadav, Resident of village - Chhawahi Khas, P.S. and Block - Manjhi, District - Gopalganj.
3. Vikarma Pandit, Son of Late Lal Bihari Pandit, Resident of village- Koini, P.S. Manjha, District - Gopalganj.

... .. 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, Gopalganj.
5. The Sub-Divisional Officer, Manjha, District - Gopalganj.
6. The Block Development Officer, Manjha-cum-Executive Officer, Block Panchayat Samiti, Manjha, District- Gopalganj.
7. The Election Commission of Bihar through the Election Commissioner, Bihar, Patna.
8. Wajid Ali, (Pramukh of Manjha Block) Son of Jamaluddin Ansari, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
9. Kanchan Devi, Wife of Umesh Prasad, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
10. Halima Khatoon, Wife of Parwej Ahmad, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
11. Yasuma Khatoon, Wife of Mahammad Aazad Ali, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
12. Braj Bhushan Yadav @ Munna Yadav, Son of Sri Ramadhar Yadav, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
13. Puja Devi, Wife of Raju Prasad, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
14. Rajesh Kumar Singh, Son of Uday Shankar Singh, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-



- Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
15. Neelam Devi, Wife of Tarkeshwar Bhagat, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 16. Rafat Jahan, Wife of Noor Hoda, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 17. Seema Devi, Wife of Upendra Prasad, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 18. Wazid Ali, Son of Jamaluddin Ansari, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 19. Raj Kumar Prasad, Son of Ramadhar Prasad, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 20. Tarannum Jahan, Wife of Mahammad Pappu, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 21. Sikandar Manjhi, son of Amal Manjhi, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 22. Sunita Devi, Wife of Jyoti Sharma, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 23. Birbal Chaudhary, son of Hridyanand Chaudhary, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 24. Jai Sahni, Son of Jawahar Sahni, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 25. Urmila Devi, Wife of Narendra Sharma, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 26. Umesh Rai, Son of Shivbalak Rai, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 27. Bikrama Pandit, Son of Lal Bihari Pandit, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
 28. Arvind Kumar Gupta, Son of Sri Ram Sah, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive



- Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
29. Sagir Ansari, Son of Ahmad Hussain Ansari, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
30. Raziya Khatoon, Wife of Dowadeen Miyan, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
31. Yogita Devi, wife of Prabhu Pasi, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
32. Ranjeet Kumar Gupta, son of Vidyanand Sah, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.
33. Mohammad Imran, Son of Khatib Ahmad, The member of Block Panchayat Samiti, Manjha, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Manjha, P.S. Manjha, District - Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Raj, Advocate
For the State : Mr. Maruth Nath Roy, SC 4
For the SEC : Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2024 Heard Mr. Ravi Raj, learned counsel appearing on behalf of the petitioners; Mr. Maruth Nath Roy, learned SC 4 for the State and Mr. Ravi Ranjan, learned counsel for the SEC.

2. Learned counsel appearing on behalf of petitioners submits that petitioners have filed an application before the District Magistrate, Gopalganj alleging therein that the special meeting was convened by the Up-Pramukh who was presiding officer in accordance with Section 44(3)(v) of Bihar Panchayat Raj Act, 2006 (hereinafter to be referred as the 'Act'), the



provision of Section 44(3)(vii) is with respect to the circumstances as to who would be the presiding member of such special meeting. Learned counsel is aggrieved that the provision of sub-section (3)(v) and 3(vii) of Section 44 of the Act don't authorize the Block Development Officer-cum-Executive Officer to seek such deliberation by presiding over the special meeting of No Confidence Motion.

3. Considering the fact that petitioners have already filed an application under Section 157 of the Act, the District Magistrate must correct it. In case, the Block Development Officer-cum-Executive Officer has proceeded to preside over the special meeting of No Confidence Motion without jurisdiction then on the basis of agreed date recommended by the members of the Panchayat Samiti including the existing Pramukh and Up-Pramukh, the District Magistrate may direct to convene a Special meeting of No Confidence Motion in accordance with the provision of sub-Section 3(vii) of Section 44 of the Act, so that the members of the Panchayat Samiti may choose a presiding officer for deliberating into the allegation made against the Pramukh and thereafter they proceed to cast their votes on any date fixed by the District Magistrate in accordance with the provision of Sub-section 3(i) of Section 44



of the Act.

4. The writ petition stands disposed of.

(Purnendu Singh, J)

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