

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1462 of 2024

Sundari Devi Wife of Pramod Kumar, Up-Pramukh Panchayat Samiti, Bhagwanpur, Resident of Village Karhari, P.S.- Bhagwanpur, District- Vaishali.

... .. 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- Vaishali.
5. The District Panchayat Raj Officer, Vaishali.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
7. Bibha Kumari, Wife of Randhir Kumar, Resident of Village Kiratpur Rajaram, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Kiratpur Rajaram Panchayat Aria No- 6, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
8. Savita Devi, Wife of Mukesh Sah, Resident of Village- Maganpur, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Maganpur Panchayat Aria No.- 1, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
9. Raju Kumar, Son of Durga Sah, Resident of Village - Kiratpur Rajaram, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Kiratpur Rajaram Panchayat Aria No- 7, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
10. Madan Kumar, Son of Haribansh Narayan Prasad, Resident of Village Mohamadpur Hari, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Bafapur Banthu Panchayat Aria No.- 5, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
11. Pramod Thakur, Son of Rajendra Thakur, Resident of Village - Shambhupur Koari, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Shambhupur Koari Panchayat Aria No- 24, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development



Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.

12. Rupesh Kumar, Son of Lakhan Sah, Resident of Village Mahamdabad, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Mahamdabad Panchayat Aria No. 21, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
13. Nutan Kumari, Wife of Sri Vikarm Kumar Singh, Resident of Village Miya Bairo, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Miya Bairo Panchayat Aria No- 12, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
14. Dharmendra Thakur, Son of Jagulal Thakur, Resident of Village Vishunpur Chintaman, P.S. Sarai, District- Vaishali, Member Panchayat Samiti, Madhopur Ram Panchayat Aria No- 26, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
15. Rinki Devi, Wife of Kishan Sahani, Resident of Village- Raghunathpur, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Raghunathpur Imadpur Panchayat Aria No- 13, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
16. Munni Devi, Wife of Ram Sevak Shahi, Resident of Village Sathan, P.S. Bhagwanpur, District-Vaishali, Member Panchayat Samiti, Sathan Panchayat Aria No- 9, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
17. Arunodaya Kumar, Son of Vinay Kumar Singh, Resident of Village Prataptand, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Prataptand East Panchayat Aria No- 2, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
18. Raj Kumar Shahi, Son of Rajballabh Shahi, Resident of Village Sathan, P.S. Bhagwanpur, District-Vaishali, Member Panchayat Samiti, Sathan Panchayat Aria No- 8, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
19. Munni Devi, Wife of Virchandra Rai, Resident of Village -Ratanpura, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Ratanpura Panchayat Aria No- 14, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.



20. Meena Devi, Wife of Lakhindra Gupta, Resident of Village Hussana Khurd, P.S. Goraul District- Vaishali, Member Panchayat Samiti, Hussana Khurd Panchayat Aria No- 15, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
21. Saroj Kumar, Son of Chandeswar Paswan, Resident of Village Kutubpur, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Asoi Lachchhiram Panchayat Aria No- 23, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
22. Md. Firoj Alam, Son of Md. Jamila, Resident of Village- Bihari P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Karhari Panchayat Aria No- 17, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
23. Bishwnath Paswan, Son of Ram Prasad Paswan, Resident of Village Mohammadpur Rohua, P.S. Bhagwanpur, District Vaishali, Member Panchayat Samiti, Shahmiya Rohua Panchayat Aria No- 10, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
24. Praveen Kumar, Son of Nageshwar Singhar, Resident of Village Hansi Kewal, P.S.- Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Miya Bairo Panchayat Aria No. 11, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
25. Arvind Kumar, Son of Jimdar Rai, Resident of Village Jahangirpur Pathedha, P.S. Sarai, District- Vaishali, Member Panchayat Samiti, Jahangirpur Pathedha Panchayat Aria No-18, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
26. Rajeshwar Singh, Son of Jangbahadur Singh, Resident of Village - Saidpur Pathedha, P.S. Sarai, District- Vaishali, Member Panchayat Samiti, Jahangirpur Pathedha Panchayat Aria No-19, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
27. Sahni Khanam, Wife of Azaj Ahamd Khan, Resident of Village Majhauuli Mahamdpur Buzurg, P.S. Sarai, District- Vaishali, Member Panchayat Samiti, Majhauuli Mahamdpur Buzurg Panchayat Aria No- 20, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.



28. Gunjan Devi, Wife of Raj Kumar Gupta, Resident of Village Teliya Sarai, P.S.- Sarai, District-Vaishali, Member Panchayat Samiti, Akabar Malahi Panchayat Aria No- 22, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
29. Raj Kumari Devi, Wife of Anandi Ram, Resident of Village - Madhopur Mhodat, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Madhopur Mhodat Panchayat Aria No- 25, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
30. Niraj Kumar, Son of Ram Ekwat Sharma, Resident of Village - Prataptand, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Prataptand West Panchayat Aria No.- 3, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.
31. Malti Devi, Wife of Vishundeo Paswan, Resident of Village - Asatpur Satpura, P.S. Bhagwanpur, District- Vaishali, Member Panchayat Samiti, Hariwanshpur Vathu Panchayat Aria No -4, Panchayat Samiti member of the Block Panchayat Samiti, Bhagwanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bhagwanpur, Block Bhagwanpur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate
For the Respondent/s : Mr.Government Pleader 14

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2024 Heard Mr. Vasant Vikas, learned counsel appearing
on behalf of the petitioner and learned GP 14 for the State.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner seeks to avail remedy under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter to be referred as the 'Act') before the District Magistrate, Vaishali against the allegation that the requisition



don't give specific charge, on which a deliberation can be made for removal of the petitioner, who is the Pramukh in the meeting going to be held on 29.01.2024.

3. The District Magistrate is directed to examine the records specially the requisition made by the requisitionists against the petitioner, who is Pramukh on or before 31.01.2024. In the meantime, he must ensure that all the members of the Panchayat Samiti including the Pramukh and Up-Pramukh must make their attendance before him by 29.01.2024 and after giving due opportunity of hearing to all the members of the Panchayat Samiti and the petitioner, he is directed to pass necessary order in accordance with law on or before 31.01.2024, considering the fact that developmental works and the welfare scheme of the state government and central Government may not be frustrated by such meeting of No Confidence Motion.

4. The special meeting dated 29.01.2024 shall lose its operation till final decision is taken by the District Magistrate.

5. As the order has been passed in the open Court, learned counsel for the State must ensure to communicate this order forthwith to the District Magistrate as well as, to the Block Development Officer concerned, without waiting for pronouncement of the order.



6. Accordingly, the present writ petition is disposed
of.

(Purnendu Singh, J)

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