

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1592 of 2024

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Bijal Paswan son of Paro Paswan, resident of Village-Tilkeshwar,
Kusheshwar Asthan Purbi, Darbhanga, District-Darbhangha, Bihar-848213.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The District Panchayati Raj Officer, Darbhanga.
6. The Sub Divisional Officer, Kusheshwar Asthan Purbi, Darbhanga.
7. The Executive Officer Panchayat Samiti cum Block Development Officer, Kusheshwar Asthan Purbi, Darbhanga.
8. The Deputy Development Commissioner (DDC) Darbhanga.
9. Anjani Bharti, wife of not known to the petitioner, at present Member Panchayat Samiti (Panchayat Samiti Kshetra No. 03), Darbhanga. Members of Panchayat Samiti, Kusheshwar Sthan Purbi, Darbhanga.
10. Seema Kumari, wife of not known to the petitioner, at present Member Panchayat Samiti (Panchayat Samiti Kshetra No. 05), Darbhanga. Members of Panchayat Samiti, Kusheshwar Sthan Purbi, Darbhanga.
11. Purshottam Thakur, son of not known to the petitioner, at present Member Panchayat Samiti (Panchayat Samiti Kshetra No. 06), Darbhanga. Members of Panchayat Samiti, Kusheshwar Sthan Purbi, Darbhanga.
12. Annu Devi wife of not known to the petitioner, at present Member Panchayat Samiti Panchayat Usari (Kshetra No. 07), Darbhanga. Members of Panchayat Samiti, Kusheshwar Sthan Purbi, Darbhanga.
13. Usha Devi, wife of not known to the petitioner, at present Member Panchayat Samiti Panchayat Simartoka (Kshetra No. 08), Darbhanga. Members of Panchayat Samiti, Kusheshwar Sthan Purbi, Darbhanga.
14. Sudhir Kumar Rai, son of not known to the petitioner, at present Member Panchayat Samiti Panchayat Sugharain (Kshetra No. 10), P.S.-Kusheshwar Sthan (Purbi), Darbhanga. Members of Panchayat Samiti, Kusheshwar Sthan Purbi, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anand Kumar Ojha, Advocate
For the State	:	Mr.Government Advocate 2
For respondent No.9	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Om Prakash, Advocate



CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 21-02-2024

Heard Mr. Anand Kumar Ojha, learned counsel appearing for the petitioner and Mr. Mrigank Mauli, learned Senior Counsel, assisted by Mr. Om Prakash, learned counsel, appearing for respondent No.9 and also learned Government Advocate No.2 appearing for the State.

2. The petitioner has prayed for following relief(s) in paragraph no. 1 of the writ petition;

“That the petitioner prays for quashing the Requisition dated 02.01.2024 submitted directly to the executive officer on the ground that the minimum 1/3rd Panchayat Samiti Members never presented the requisition to the Pramukh as mandated under Section 44(3)(1) rendering all subsequent decision as nullity. No response of the executive officer on the suspicious requisition amounted to connivance and the petitioner further prays to hold and declare the letter NO. 01 dated 03.01.2024 passed by the executive Officer as illegal and collusive being breach of mandatory procedure and finally the petitioner seeks further declaration to hold and declare the special meeting dated 18.01.2024 as illegal on the ground that no deliberation took place on that day and that the special meeting was intended to create a platform to vote out the Pramukh. The petitioner further prays for a direction to the Panchayati Raj Department as also Executive officer to keep the result of the no confidence motion dated 18.01.2024 in abeyance, not declaring the post to be vacant and status-quo as existing on the date of requisition may be directed to the maintained till the further order of the Hon’ble Court.”



BRIEF FACTS

3. The brief facts, as enumerated in the writ petition, for consideration of this Court are that the petitioner was declared elected as Pramukh and a certificate was granted to him for the post of the Prakhand Pramukh, Kusheshwar Asthan Purbi, Darbhanga on 27.12.2021. On 02.01.2024, one Panchayat Samiti Member, namely, Anjani Bharti submitted a requisition containing charges for holding special meeting of “No Confidence Motion”, against the petitioner and the Up-Pramukh. Since the said requisition was not signed by 1/3rd of the Panchayat Samiti Members, the petitioner had refused to accept the said requisition. A news was published in Dainik Bhaskar dated 03.01.2024 regarding holding of “Special meeting of No Confidence Motion” against the Pramukh & Up-Pramukh of the concerned Prakhand. The petitioner alleges that the Executive Officer, in connivance with the Samiti members had accepted the requisition and had issued a letter No.1 dated 03.01.2024, informing the petitioner, being Pramukh, to fix a date for special meeting for “No Confidence Motion” against the Pramukh and the Up- Pramukh. The petitioner is aggrieved by the alleged illegal action of the Executive Officer, who, in connivance with the elected members of the Panchayat has



managed to topple him from the post of Pramukh by allegedly fixing the date for meeting for deliberation on “No confidence” against the petitioner and the Up- Pramukh on 18.01.2024 at 11.30 A.M. vide letter No. 05 dated 10.01.2024. The voting took place against the Pramukh and the Up-Pramukh on 18.01.2024 and the petitioner could not gain the confidence of the elected members present in the meeting.

SUBMISSION OF COUNSEL

4. Learned counsel appearing for the petitioner emphasises that he confines his prayer only with regard to declare special meeting dated 18.01.2023 as illegal for the reason that no deliberation had taken place in the meeting which deprived the petitioner to defend himself. He submitted that the special meeting was intended to create a platform to vote out the Pramukh.

5. Learned counsel for the petitioner in above background submitted that in absence of any deliberation on the charges on the date of meeting fixed i.e. 18.01.2024 in the manner prescribed under Sections 44(3)(IV)(V) & (VI) of the Bihar Panchayat Raj Act, 2006 (*For brevity the ‘Act’*) the entire process can be held to be undemocratic and vitiated in the eye of law.



6. In support of his contention, learned counsel has relied on paragraphs no. 58, 59 and 62 of the Division Bench Judgment rendered in **Dharamsheela Kumari Vs. Hemant Kumar & Ors. reported in 2021 (3) PLJR 346.** Based on the judgment, learned counsel submitted that the date of meeting of no confidence is in violation of the provision of sub-Section 3(4) of Section 44 of the Act, considering the fact that the meeting was held on the same date with respect to removal of both the posts i.e. Pramukh and Up-Pramukh. Secondly, the charges were separate against the Pramukh and Up-Pramukh and the Minutes recording the deliberation is not specific by giving details of deliberation separately with respect to Pramukh and Up-Pramukh. Thirdly, he submitted that the law mandates for open deliberation on charges and due opportunity of hearing was not given to the petitioner, against whom the motion of no confidence was called for due to which in violation of principles of natural justice and the provisions contained in Sub Section 3(VI) of Section 44 of the Act. In these backgrounds, he submitted that the declaration of results dated 18.01.2024 for removal of Pramukh and Up-Pramukh being illegal are fit to be set aside and quashed at least, so far as, the petitioner is concerned.



7. *Per contra*, Mr. Mrigank Mauli, learned Senior counsel appearing on behalf of respondent No.9 referring to the provision of Section 44 of the Act submitted that it does not provide as to in what manner the proceedings are to be recorded; nor there is any prevailing Rules to the extent that as to how the proceedings are to be recorded. He further submitted that nor does the provisions of Section 44 (3)(V) & (VI) of the Act provides for manner in which the proceedings are to be recorded in absence of any Rules. He further submitted that the records reveal the fact that discussion had taken place, now to what extent and in what manner the proceeding is to be recorded is not a requirement in terms of the provisions of the Act. Provision requires for deliberation and from the recording of the minutes, it appears that discussion and deliberation had taken place on 18.02.2024. Thereafter, the voting had taken place on the same date, in the presence of the Pramukh, who is the petitioner in the present case and the Presiding Officer had recorded the same in the proceeding book. The petitioner having participated in the meeting now cannot turn around and challenge the very same proceeding as has been held in *Smt. Samshad Khatun Vs. the State of Bihar & Ors., reported in 2010(1)PLJR 929.*



8. Mr. Mauli, learned senior Advocate, in support of his contention has also relied upon paragraphs 58, 59 and 62 of the judgment rendered in the case of *Dharamsheela (supra)* and further submitted that the provisions contained in Section 44 of the Act are self contained and provides for the prescribed procedure and don't require any aid of Rule for providing in what manner each and every provisions contained therein have to be recorded. The said aspect has been clarified in paragraph-49 of the judgment rendered in the case of *Dharamsheela (Supra)*.

DISCUSSION

9. Heard the parties.

10. Having considered the rival submissions made on behalf of the parties, for deciding the **issue** raised by Mr. Ojha, learned counsel for the petitioner, who has based his argument that the manner of the deliberation of the special meeting of no confidence dated 18.01.2024 does not give the details of the deliberations recorded by the Presiding Officer separately with regard to the Pramukh and Up-Pramukh and no opportunity was given to the petitioner to defend himself against the charges as would be evident from the minutes recorded can nullify the entire proceeding of no confidence in view of clarification made



in paragraphs no. 58, 59 and 62 of *Dharamsheela Case* (*Supra*). In this regard, it is relevant to reproduce paragraphs no. 58, 59 and 62:

“58. The expression used “majority” in Section 44 has to be read in the context of ‘total number of members of the Panchayat Samiti’ for only such of those members who are elected members have a right, not only to move a motion of no confidence but also to participate, i.e. to discuss and vote thereupon. The expression ‘requisition for such a special meeting’ in the second part of sub-section (3) of Section 44 has to be read in the context of moving a resolution of no confidence as envisaged therein and not a special meeting envisaged under Section 46 (3). On reading the words in conjunction with one another, it can be said that the majority required is the majority of ‘total number of elected members of Samiti “at” a meeting specially convened for the purpose.’ Explaining through an illustration, if five members present in the meeting out of an elected body of twenty-two members, the majority required is three, not twelve. Meaning thereby, that it is not a majority qua the total number of elected members in the Samiti, but a majority qua the total number of members of the elected member of the Samiti present in the meeting convened for the purpose. In other words, the majority required to pass a resolution is a simple majority from amongst those present and voting. Similar is the position for electing the Pramukh and the Up-Pramukh [Section 40]. This interpretation is also supported by the last phrase used as ingredient (6), which specifies that ‘No quorum is required for such a special meeting’. If the ingredient (7) is interpreted as “majority of the total body of elected members”, that ingredient is rendered nugatory and otiose.

59. It also needs to be noted that as voting cannot be adjourned in such a meeting, the majority of the total body's prescription and the non-requirement of quorum, on the other hand, is a clear and apparent conflict. Therefore, to read these two provisions harmoniously, it becomes essential to read the phrase ‘majority of total elected members present in the meeting’. Hence, it is clarified that there is no requirement of ‘majority of total elected members’ to form a ‘Quorum.’

62. Principles of natural justice are necessary to be complied with since the reasons/charges forming the basis of the no-confidence motion are clearly required to be mentioned in the notice of the meeting and to be read out before declaring it open for discussion. Even here, the law



mandates that such a discussion shall not be adjourned. The Pramukh or the Up-Pramukh against whom the no-confidence motion is moved have a right of defence in the meeting. After discussion, the motion must be put to the vote by way of a secret ballot in the prescribed manner. The expression used "shall be put to vote on the same day after discussion" as used in sub-section (vi) makes it amply clear that the process of voting shall be exercised and completed with promptitude and on the same day. Principles laid down in Laxmi Singh (supra); Banwari Dass (supra); Rajendra Chaudhary would fully endorse our opinion."

11. To ascertain the fact, as to whether, the petitioner was removed even without any deliberation in the meeting by not providing opportunity to defend himself is in violation of Section 44(3) of the Act. For this purpose it is gainful to reproduce paragraph no. 42 of the judgment passed by the Division Bench of this Court in ***Dharamsheela (Supra)***:

"42. Per Section 44(3), a Pramukh/Up-Pramukh shall be deemed to have vacated his office forthwith if:

- (1) The requisition for such meeting : (a) is presented in writing, assigning reasons, to the Pramukh; (b) by not less than 1/3rd of the total number of elected members; (c) with a copy to the Executive Officer;*
- (2) The Executive officer shall immediately bring such fact to the notice of the Pramukh.*
- (3) Meeting is to be convened : (a) by the Pramukh mandatorily within 15 days of requisition; (b) On his failure, by the Up-Pramukh or 1/3rd of the directly elected members; (i) In such an eventuality and for such purpose, the Executive Officer is to give notice and take necessary actions; (ii) and convene the meeting.*
- (4) Meeting to be presided by- (a) Up-Pramukh, in case of motion against Pramukh; (b) Pramukh, in case of motion against Up-Pramukh; (c) Member elected amongst the members present in the meeting, in case of motion against both or if either of the seats is vacant.*
- (5) Meeting cannot be postponed once notice is issued.*
- (6) No quorum shall be required to discuss motion in such a special meeting.*
- (7) A resolution expressing want of confidence is passed by a*



majority of - (a) the total number of elected members; (b) of the Panchayat Samiti; (c) at a meeting specially convened for such purpose.

(8) In the notice called to consider the motion, reasons/charges against the Pramukh/Up-Pramukh are to be mentioned necessitating the moving of such a motion.

(9) At the beginning of a specially convened meeting : (a) Presiding member shall read out the motion and declare it open for discussion; (b) Any discussion on the motion shall not be adjourned; (c) In defence, an opportunity is required to be afforded to the Pramukh/Up-Pramukh, as the case may be.

(10) The motion is to be put to the vote the same day.

(11) Voting is to be by way of secret ballot.

(12) No-Confidence motion : (a) shall not be moved within the first two year period of Pramukh/Up-Pramukh's tenure; (b) may be brought only once in the whole tenure of Pramukh/Up-Pramukh, and (c) shall not be brought during the last six months of the term of the Panchayat Samiti."

12. In this regard, it is apt to reproduced the relevant portion of the deliberation on which basis, the results were declared in respect of Pramukh and Up-Pramukh;

“ आज दिनांक 18.1.24 को प्रमुख/उपप्रमुख के अविश्वास प्रस्ताव के विरुद्ध कुल-08/आठ सदस्य उपस्थित हुए एवं - 03/तीन सदस्य अनुपस्थित रहें। सदस्य की सर्वसम्मति से श्री सुधीर कुमार राय को अध्यक्ष चयनित किया गया। अध्यक्ष की अनुमति से अविश्वास प्रस्ताव पर चर्चा की गयी। चर्चा के उपरांत अध्यक्ष की अनुमति से मत विभाजन की प्रक्रिया की गई। सभी उपस्थिति सदस्यों को मतदान के संबंध में स्पष्ट रूप से बताया गया। किसी के द्वारा आपत्ति नहीं की गयी है। मत विभाजन की प्रक्रिया प्रारंभ की गई।

प्रमुख पद

1. हटाये जाने के पक्ष में — 06 (छः)
2. हटाये जाने के विपक्ष में — शून्य
3. रद मतों की सं० — शून्य

अध्यक्ष को अनुमति से उपप्रमुख पर लगाये गये



अविश्वास प्रस्ताव पर चर्चा के उपरांत मत विभाजन किया गया।
जिसका परिणाम निम्न प्रकार है।

उपप्रमुख पद

1. हटाये जाने के पक्ष में — 06 (छः)
2. हटाये जाने के विपक्ष में — शून्य
3. रद मतों की सं० — शून्य

इस प्रकार प्रमुख श्री विजल पासवान प्रमुख
कुशेश्वरस्थान पूर्वी के विरुद्ध लगाया गया अविश्वास प्रस्ताव
पारित हो गया अतः प्रमुख का पद रिक्त हो गया।

इस प्रकार शोभा देवी उप प्रमुख कुशेश्वर स्थान
पूर्वी के विरुद्ध लगाया गया अविश्वास प्रस्ताव पारित हो गया।
अतः उपप्रमुख का पद रिक्त हो गया।

अंत में अध्यक्ष की अनुमति से बैठक की
कार्यवाही समाप्त की जाती है।

ह०/—
18.01.24
कार्यपालक पदा० (पै०स०)
कुशेश्वरस्थान पूर्वी ”

ह०/—
18.1.2024
अध्यक्ष

13. The interpretation of Sub Section 3(V) & (VI) of the Act is no more *res integra* and the same has already been dealt with in the case of ***Dharamsheela (Surpra)***. The contention on behalf of the respondent no.9 with respect to the fact that the petitioner was present in the meeting and had also participated in the deliberation, had at no point of time, raised any objection that the charges against him were not read out in loud voices in the house and was not given any opportunity of hearing has been answered in the ***Shamshad (Supra)*** to the



extent that the petitioner has waived his right after having participated in the meeting.

14. This Court relying on the judgment passed in **Dharamsheela**(Supra) and **Shamshad** (Supra), has passed detailed judgment and order dated 30.01.2024 in the case of **Anu Kumari vs. State of Bihar (CWJC No. 1256 Of 2024)**, in which also similar facts and question of law were raised. It is gainful to reproduce following paragraphs, which squarely covers the issue involved in the present writ petition:

*“ 16. The issue, which is to be decided by this Court, is as to whether after the B.D.O.-cum-Executive Officer in the circumstances as stated in above paragraph has decided to withdraw the proceeding in the light of his unawareness of the judgment of the Division Bench of this Hon’ble Court passed in **LPA No.113 of 2023 (Dharamsila Kumari)** whether the consequential communication made by him as contained in memo no.27 dated 09.01.2024 (Annexure- ‘9’) can be held to be legal and the voting is required to be held in the light of the order passed by this Court in **Dharamsila Kumari** (supra) and in view of judgment passed in **Smt. Shamshad Khatun Vs. The State of Bihar & Ors.** reported in **(2010) 1 PLJR 929** amongst the nine members, who were present in the meeting dated 09.01.2024, as admittedly the respondents consciously who had not participated, are restrained to question requisition.*

17. In the background of the fact that the requisitionists, who are represented by Mr. Bindhyachal Singh along with Mr. Vipin Kumar Singh, learned Advocate- on- Record admits that the allegation made in the requisition are not clear and as such the requisition is not in accordance



with the provisions of Section 44 (3)(iv) of Bihar Panchayat Raj Act, 2006 and called for a fresh meeting of no confidence motion and contrary to the same, the contention of the petitioner is that own action of the Pramukh, who had fixed the date of meeting on 01.01.2024 to hold meeting on 09.01.2024 and having waived to participate in the meeting can not take somersault to challenge the requisition on which basis a date was fixed for no confidence motion.

18. It is admitted fact that the requisition dated 01.01.2024 was acted upon by the respondent no.10 and, thereafter, she along with respondent nos. 11 to 18 chose not to participate in the meeting. Nine elected members also participated on the date fixed for the meeting and a proceeding was drawn by the B.D.O.-cum-Executive Officer the same day finally holding that in absence of majority against no confidence motion held against respondent no.10 and has not been passed by the majority of the total elected members, however, the B.D.O.-cum-Executive Officer has withdrawn the proceeding leading to his conclusion that in absence of majority the elected members to have voted against the respondent no.10 has lost its force. The respondent nos.10 to 18 having not opted to participate in the meeting and the admitted position as of today in absence of the conclusion drawn by the B.D.O.-cum-Executive Officer having lost its relevance and the same has been nullified by him . The requisition, which was made on 01.01.2024 once having been waived by the requisitionists (respondent nos.11 to 18) and the respondent no.10 (Pramukh) having not participated in the meeting can only be considered to have admittedly waived their right to participate in the special meeting of “no confidence” held on 09.01.2024.

*19. Considering the discussion made in paragraph no.22 of **Smt. Shamshad Khatun** (supra), the Hon’ble Division Bench has discussed in detail the principle of waiver. It has been held once a party has waived his right, they can not turn around and take a somersault to challenge the*



same by making statement that the charges are not clear, which has been made cautiously by the respondent nos. 11 to 18, who are requisitionists. The said view has been reiterated by the Apex Court in ***Padmini Singha Vs. State of Assam & Ors.*** reported in (2018) 10 SCC 561.

20. This Court has also clarified in paragraph nos. 58 to 59 in the case of *Dharamsila Kumari* case (supra) that a voting to be conducted amongst the elected members, who had participated in the special meeting of no confidence motion. As a result of withdrawal of the proceeding and the consequential order having lost his force, the special meeting of no confidence and respondent nos. 10 to 18 having waived their right, the special meeting of no confidence is now required to be held in the manner prescribed in paragraph nos. 58 and 59 of *Dharamsila Kumari* case (supra) amongst nine elected members, who were present in the meeting dated 09.01.2024.

21. The Apex Court in the case of ***Kavita Vs. State of U.P.*** reported in (2018) 10 SCC 569, has inter alia held that the proceedings before the Collector is more in the nature of a summary proceeding, and he does not have the trappings of a court exercising jurisdiction on the basis of evidence adduced at a trial of a judicial proceeding.

22. The object and the reasons of Part IX are to lend status and dignity to Panchayati Raj Institutions and to impart certainty, continuity and strength to them. The Apex Court in the case of ***Bhanumti etc. Vrs. State of Uttar Pradesh through its Principal Secretary and Others***, has in sum held that a vote of no-confidence against elected representative is direct check flowing from accountability. Paragraph nos. 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57 and 75, of the judgment are reproduced hereinafter :

44. The Panchayati Raj institutions structured under the said amendment are meant to initiate changes so that the rural feudal oligarchy lose their ascendancy in village affairs and the voiceless masses, who have been rather



amorphous, may realise their growing strength. Unfortunately, effect of these changes by way of constitutional amendment has not been fully realised in the semi-feudal set-up of Indian politics in which still voice of reason is drowned in an uneven conflict with the mythology of individual infallibility and omniscience. Despite high ideals of constitutional philosophy, rationality in our polity is still subordinated to political exhibitionism, intellectual timidity and petty manipulation. The Seventy-third Amendment of the Constitution is addressed to remedy these evils.

45. *The changes introduced by the Seventy-third Amendment of the Constitution have given Panchayati Raj institutions a constitutional status as a result of which it has become permanent in the Indian political system as a third Government.*

46. *On a careful reading of this amendment, it appears that under Article 243-B of the Constitution, it has been mandated that there shall be panchayat at the village, intermediate and district levels in accordance with the provisions of Part IX of the Constitution.*

47. *Article 243-C provides for composition of panchayat which contemplated the post of Chairperson.*

48. *Article 243-D provides for reservation of seats and Article 243-E provides for duration of panchayat. Article 243-F enumerates the grounds of disqualification of membership of the panchayat and Article 243-G prescribes the powers, authority and responsibilities of panchayat. There are several other provisions relating to powers of the panchayat to impose taxes and for constitution of Finance Commission in order to review financial position of the panchayat. The accounts of the panchayat are also to be audited as per constitutional mandate under Article 243-J. There are detailed provisions for elections of panchayat under Article 243-K. Article 243-O imposes the bar to interference by courts in electoral matters of the panchayat.*

49. *In this connection particular*



reference may be made to the provision of Article 243-G of the Constitution which is set out below:

“243-G. Powers, authority and responsibilities of panchayat.—Subject to the provisions of the Constitution, the legislature of a State may, by law, endow the panchayats with such powers and authority and may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

- (a) the preparation of plans for economic development and social justice;*
- (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.”*

53. Thus, the composition of the panchayat, its function, its election and various other aspects of its administration are now provided in great detail under the Constitution with provisions enabling the State Legislature to enact laws to implement the constitutional mandate. Thus, formation of panchayat and its functioning is now a vital part of the constitutional scheme under Part IX of the Constitution.

57. A Constitution is not to give all details of the provisions contemplated under the scheme of amendment. In the said amendment, under various articles, like Articles 243-A, 243-C(1), (5), 243-D(4), 243-D(6), 243-F(1), (6), 243-G, 243-H, 243-I(2), 243-J, 243-K(2), (4) of the Constitution, the legislature of the State has been empowered to make law to implement the constitutional provisions.

75. It has already been pointed out that the object and the reasons of Part IX are to lend status and dignity to Panchayati Raj institutions and to impart certainty, continuity and strength to them.”



15. The conduct of a special meeting of the panchayat samiti is provided under Rule 15, 16 and 17 of the ***Bihar Panchayat Raj Institution (Conduct of Business) Rules, 2015*** (for brevity Rules, 2015) which is reproduced herein under:

"15. Special Meetings of Panchayat Samiti.- (1) The Pramukh, whenever he deems fit, may call up special meeting of Panchayat Samiti. In addition to this, on receipt of the written request of at least one-third members of the total number of the members (including elected and ex-officio members) of the Panchayat Samiti, he shall call a special meeting within fifteen days from the date of receipt of such request,

(2) If the Pramukh fails to call up the special meeting under sub-rule (1), the Up-Pramukh shall call up such meeting and on his failure also to do so, one third of the total number of the members may themselves fix a date for calling up such meeting, and request the Executive Officer to call the said meeting. On such request, to issue notice to members and take necessary action for organising the meeting will be binding for the Executive Officer.

(3) All members of Panchayat Samiti (directly elected and ex-officio) along with the Executive Officer of Panchayat Samiti and Block Panchayat Raj Officer and block level supervisory officials will be present in the ordinary or special meeting of Panchayat Samiti, but if the special meeting has been convened to discuss no confidence motion against Pramukh/Up-Pramukh, only the elected members from territorial electoral constituencies of Panchayat Samiti shall take part in such meeting. The Executive Officer shall invariably be present in such meeting. An officer authorised by the District Magistrate under Section 157 of the Act may also remain present in such meeting.

Provided that the Executive Officer or any other present supervising Officer shall not have the right to vote in meetings. All such officials may be required to furnish information/report on any matter brought before Panchayat Samiti."

16. Notice for The Meetings. - (1) At least ten days previous notice for an ordinary meeting and seven days previous notice for a special meeting of Panchayat Samiti, specifying explicitly there in the place, date and time of such meeting and the business to be transacted thereat, shall be given by the Executive Officer to the members and to such officers as may be specified by the Government, and it shall be affixed at notice board of the Panchayat Samiti at a conspicuous place. In case of a special meeting, the notice will include the motion or purpose mentioned in the written application for such meeting. Only one fixed agenda in it will be discussed in the special meeting, and no other agenda shall be included in any case.

(2) The Panchayat Samiti may require the presence of



government officials at its meeting. If it appears to Panchayat Samiti that the presence of any officer of the government having jurisdiction over the whole or a part of Panchayat Samiti and not working under it, is desirable in the meeting of the Panchayat Samiti, the Executive Officer shall, by a letter addressed to such officer not less than seven days before the intended meeting, request that officer to be present in the meeting and he shall, unless he is unable by sickness or other reasonable cause, attend the meeting.

Provided that if such officer is not in a position to be present in the meeting himself on account of reasonable grounds, he may depute a subordinate or any other competent officer under him to represent him in the meeting. On being absent from the meeting without reasonable grounds, the Panchayat Samiti may write to his controlling officer to take disciplinary action against such official/employee and its intimation will be given to the District Magistrate. The District Magistrate shall be competent to ask explanation from such employees and may report to the government for taking action against them if considered guilty.

(3) The notice to each member of Panchayat Samiti shall generally be sent by post or in such other manner which the Executive Officer thinks fit, to the place of his ordinary residence.

17. Minutes Or The Meeting. - (1) The minutes or the meeting of Panchayat Samiti shall be prepared by Executive Officer in consultation with Pramukh, and any subject of public interest may be included in it and which, in his opinion, should be considered by the Panchayat Samiti and it may also include any subject specified by the Pramukh.

(2) Only that subject shall be included in the agenda of the special meeting, for which the special meeting has been summoned .

(3) In the special meeting called to discuss no confidence motion against Pramukh/Up-Pramukh, only the matter concerned with removal of Pramukh/Up-Pramukh shall be discussed.

(4) A copy of the minutes along with a copy of the notice mentioning the date, time and place of the meeting shall be forwarded individually to each member of the Panchayat Samiti.

16. The record of the proceeding of such meeting is to be maintained as per the **Rule 22(2)** of **Rules, 2015** which provides as follows:-

"(2) The proceedings shall include the attendance of present members with their signatures and



decisions/resolutions taken at the meeting. Although it will not be necessary to give details of discussions held regarding different resolutions proposed in the meeting, however it shall be the duty of the officer recording the proceedings to give details of each such resolution with reasons, which in his opinion, is inconsistent with the provisions of the Act or any other law or rules made therein or directions issued by the government."

17. Whether the above mentioned Rules are in consonance with the relevant provisions of Section 44(3)(i),(v) and (vi), it is as apt to reproduce Section 44 of the Act, 2006 hereinbelow:-

“44. Resignation and Removal of Pramukh and Up- Pramukh-(3) (i) A Pramukh/Up-Pramukh of the Panchayat Samiti shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Panchayat Samiti at a meeting specially convened for the purpose.

The requisition for such a special meeting shall be presented to the Pramukh in writing with a copy to the Executive Officer of the Panchayat Samiti, by not less than one third of the total number of members elected directly from the territorial constituencies of the Panchayat Samiti. The Executive Officer shall immediately bring the requisition to the notice of the Pramukh. The Pramukh shall convene such meeting on a date falling within 15 days of such requisition. If the



Pramukh fails to call the special meeting, the Up-Pramukh or one third of the total number of directly elected members may fix a date for such meeting and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting. The Executive Officer shall necessarily issue such notice in time and convene the meeting. No such meeting shall be postponed once the notice for the same has been issued. No quorum shall be required for the special meeting convened to discuss no confidence motion.

(v) Such reasons/charges, on the basis of which no confidence motion has to be moved against the Pramukh or Up-Pramukh, shall be clearly mentioned in the notice of meeting called to consider the no confidence motion.

(vi) As soon as the meeting called under this section begins, the presiding member of this meeting shall read out the motion on which the meeting has been called to consider before the members present and declare it open for discussion. Any discussion on the motion shall not be adjourned.”

18. It is a trite law that the rule making power conferred upon by the Parent Act cannot travel beyond the mandate of parent act. It is gainful to reproduce paragraph no. 21 of the judgment passed by the Apex Court in the case of ***Union of India vs. A. Srinivasan*** reported in ***(2012) 7 SCC 683***:

“At this stage, it is apposite to state about the rule-making powers of a delegating authority. If a rule goes beyond the rule-making power conferred by the statute, the same has to be declared ultra vires. If a rule supplants any



provision for which power has not been conferred, it becomes ultra vires. The basic test is to determine and consider the source of power which is relatable to the rule. Similarly, a rule must be in accord with the parent statute as it cannot travel beyond it.”

19. Considering the provisions of Rules 2015, a detail discussion has been made in *Dharamsheela (Supra)* in paragraphs no. 80, 81, 82, 83, 90, 105, 106 and 107 also calls for attention which are reproduced hereinafter:

“80. The learned Judge has also observed that it was the duty of the requisitioners to ensure their presence in the meeting since they were the requisitioners of the no-confidence motion. Such obligation was one that is saved only by an emergency that may have befallen the requisitioners. It may be noted that only two requisitioners submitted in their counter-affidavit that they were ‘otherwise engaged’, which according to the learned Judge, displayed a callous attitude towards their duty as an elected official.

81. However, a perusal of the Statute does not exhibit any such obligation on the Samiti members, including the requisitioners requiring them to mandatorily attend meetings of the Samiti. Rule 15(3) of the Bihar Panchayat Raj Institutions (Conduct of Business) Rules, 2015, simply provide that only the elected members that shall participate in the meeting convened in case of no-confidence to discuss the said motion. There is no direct or indirect obligation supported by the words of the Act or Rules, upon such elected members. The conclusions of the learned single Judge are therefore not supported by law.

20. The provision of **Rules 15 and 22** of the Bihar Panchayat Raj Institutions (Conduct of Business) Rules, 2015 in no manner is in consistent with the provisions of Section 44 of the Act, 2006.

21. The allegation of malafide and fraud has also been duly considered in case of *Dharamsheela (Supra)* and in



this regard it is relevant for adjudication of the present writ petition.

82. *Had the allegation of fraud been proved, it would have vitiated all subsequent consequences affected by it. However, in the present case, such an allegation is not in conformity with the law laid down by the Hon'ble Apex Court. Therefore, the findings recorded by the learned single Judge accepting the plea of fraud cannot be said to be good in law.*

83. *The requirement of a quorum for the purposes of a special meeting to discuss a motion of no confidence has been dealt with in the earlier part of the opinion; nonetheless, we dialect thereupon in reference to the given facts.*

90. *That it is mandatory for the motion to indicate the charges of misconduct and misdemeanor against the Pramukh and the Up-Pramukh, failing which, the action would be rendered nugatory in law stands settled by a Coordinate Bench of this Court in Sindhu Devi (supra). With profit, we reproduce what the Court further held in the said decision:—*

“The nuances of democracy come with experience and long-standing usage and practices. Democracy is a phenomenon which is absorbed by a political system. It cannot be injected as a wonder drug to give an instant effect. Losing the experience of democracy is as dangerous as losing democracy itself. The present case is an example which shows the aftermath of Bihar not having self Government for three decades, and its effect. Mob majority has been misunderstood as democracy.

7. The Court is afraid that it does not agree with the counsel for the appellants that majority is a democracy. If this be so, would it not be mobocracy? After all democracy functions on sanctions, sanctions of the law. Democratic institutions follow, respect and protect the Rule of Law. Otherwise, the majority is not democracy but anarchy. Brute majority cannot belittle democratic institutions. Such bad practises lend themselves to dictatorships.”

105. *According to the definitions mentioned hereinabove, ‘Motion’ can be understood as a proposal that requires “consideration” and “action”. Therefore, a ‘Motion brought’ will mean when a proposal is brought, discussed, voted upon, and ‘carried’ to a logical conclusion.*

106. *This interpretation of the word ‘motion may be brought’ can also be inferred from the following two Judgments, one of this Court and one from the Bombay High Court.*

- (i) *Manik Lal Prasad v. State of Bihar (LPA No. 838/2019, decided on 16.08.2019) - While considering the interpretation of Section 25(4) of the Municipality Act which provided that a no-confidence motion against Chief Counsellor/Deputy Chief Councillor shall not be brought again within one year of the first no-confidence motion, the*



*Division Bench stated that “We may, however, observe that the initiation of a process of a no confidence motion is a mere proposal made through a requisition for the consideration of the removal of a person against whom the no confidence motion is sought to be tabled. It was, therefore, a notice of intention to do so, and not the actual culmination of the act of carrying out of the no confidence motion. The sending of a requisition is only a step in aid under the statutory provision which is the procedure to be followed for the purpose of tabling a discussion on the issue of a no-confidence motion. The word ‘requisition’ to our understanding means to make a request by way of a proposition or a proposal for consideration of a resolution which is to be deliberated upon. **The mere requisition, therefore, in our opinion, would by itself not amount to a defeat or the passing of a resolution of a no confidence motion. This has to be understood in the light of the bar under the proviso which is attracted only if a motion is brought about and defeated.** It is in the said contingency only that the proviso intends to restrain bringing about a fresh no confidence motion within the period that has been provided for in both the provisos.”*

- (ii) *Baburao Atmaramji Lande v. Collector, Chandrapur (1981 SCC OnLine Bom 133) : In the case, a special meeting was convened to consider the motion of no-confidence against chairman of Panchayat Samiti in which requisition was withdrawn by the proposer who was only present in the meeting. After that meeting, a month later, another meeting was convened by the Collector to consider the requisition given by 12 requisitionists. This meeting was challenged, saying that it was statutorily barred under s. 72(7) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 - “if the motion of no-confidence is rejected, no fresh motion of no confidence shall be brought within a period of six months from the date of such rejection of the motion.” The Court while holding that unless the motion is actually voted upon, bar is not attracted observing thus:*

“11. The motion cannot be said to be carried or passed unless requisite number of members exhibit their approval of the motion by exercise of their votes, so also the motion cannot be said to have been rejected unless a requisite number of members exhibit their disapproval of the motion by exercise of their votes. It may be that there may not be any deliberation in the meeting on the motion, but exhibition of approval or disapproval by exercising votes is absolutely necessary before a motion becomes a resolution or it is rejected.

16. It is thus clear that when used with reference to a motion, which is expected to be considered by a body of



persons, it implies a positive expression of denial or disapproval of what is sought to be moved. Hence unless a motion is put to vote in a properly held meeting and defeated by requisite majority, it cannot be said to have been rejected.”

107. Both the above-stated judgments clearly hold that no confidence is a process that has individual and sequential steps. Expressions of want of confidence can happen only when the motion is actually voted upon. Therefore, mere tabling of requisition or discussion will not amount to the motion being carried to a logical conclusion. The letter and the spirit of the law will be done to justice only when the motion is put to the vote.”

CONFLICTING JUDGMENTS OF COORDINATE BENCHES.

22. It is to be noted that in a recent development, the judgment passed in case of *Dharamsheela (Supra)* has been doubted the ratio that “No Confidence Motion” can be deemed to have been passed, if there is majority of the elected members present and participating in the meeting, when the “No Confidence Motion” is held, by a Division Bench of this Court vide order dated 19.02.2024 in L.P.A. No. 113 of 2020 considering an apparent conflict with the another Division Bench of this Court in L.P.A. No. 940 of 2008, (*Sarita Kumar vs. the State of Bihar*) dated 20.08.2009, wherein, it has been held that “Majority” should be of persons directly elected in the council and has referred the same to be heard by the larger Bench of this Court.

23. In situations where a decision/judgment has been passed in ignorance of an earlier decision of coordinate



bench, the judgment rendered earlier would continue to hold force and the subsequent judgments would become *per incuriam*. In so far as the the second instance is concerned, the Supreme Court, in plethora of judgments, has held that a coordinate bench or co-equal bench cannot give a decision contrary to or inconsistent with the law laid down by the coordinate bench. The rationale for such principle is that precedent law must be followed by all and deviation from it should only be on a procedure known to law. Further, judicial discipline demands that judicial propriety and judicial decorum must be followed in all circumstances. Therefore, coordinate bench should not embark upon the exercise of inquiring about the correctness of the law laid down by another coordinate bench.

24. The constitution bench of the Supreme Court, as far back in 1961, in the case of ***Jaisri Sahu v. Rajdewan Dubey and Ors (1962) 2 SCR 558***, dealing with a similar issued has held:

“The better course would be for the Bench hearing the case to refer the matter to a Full Bench in view of the conflicting authorities without taking upon itself to decide whether it should follow the one Bench decision or the other. We have no doubt that when such situations arise, the Bench hearing the case would refer the matter for the decision of a Full Court.”



25. However, in not following the settled law, Courts create a disharmony and disturb the principle of *stare decisis*. It has been noticed that despite law settled by the Supreme Court, in some of the cases, courts have taken a different approach. Instances can be found where the Courts generally consider the most recent judgment on the point to be correctly laying the law. However, such an approach is an erroneous approach in light of the Supreme Court judgment cited above.

26. Though there is no provision like Article 141 which specifically lays down the binding nature of the decisions of the High Courts, it is a well accepted legal position that a single judge of a High Court is ordinarily bound to accept as correct judgments of courts of co-ordinate jurisdiction and of the Division Benches and of the Full Benches of his court and of the Supreme Court. Equally well settled is the position that when a Division Bench of the High Court gives a decision on a question of law, it should generally be followed by a co-ordinate Bench in the subsequent case wants the earlier decision to be reconsidered, it should refer the question at issue to a larger Bench.

27. It is well settled that it is only the *ratio decidendi*



that has a precedent value. As observed by the Supreme Court in *S. P. Gupta v. President of India*, reported in (AIR 1982 SC 149) : "It is elementary that what is binding on the court in a subsequent case is not the conclusion arrived at in a previous decision, but the ratio of that decision, for it is the ratio which binds as a precedent and not the conclusion." A case is only an authority for what it actually decides and not what may come to follow logically from it. Judgments of courts are not to be construed as statutes (see *Amar Nath Om Parkash v. State of Punjab* reported in AIR 1985 SC 218).

FINDING

28. The record reveals that the petitioner has not been able to bring on record, as to whether, he had made any complaint before the presiding officer or any of the authority including the State Election Commission during the meeting or immediately after the meeting or on subsequent day and in absence of any evidence, this Court don't find any infirmity in recording of the proceeding in the minutes dated 18.01.2024 by the Presiding Officer. It is gainful to take note of paragraph nos. 23, 24 and 26 of the judgment rendered in the case of **Shamshad (supra)**, which are reproduced hereinafter:

"20.From the aforesaid it is perceived



that she herself had fixed the date of meeting. The meeting as fixed was held on 12.12.2009. She participated in the meeting and took a chance. Thus, fixing of the meeting by the appellant and participation in the meeting would tantamount to waiver by express conduct. If the provisions contained in Sections 44 and 46(4) of the Act are read appositely there can be no shadow of doubt that they provide a protective umbrella to the elected Pramukh. Thus, the same does not Contravene any public policy. It does not involve any public interest. As we perceive the scheme and anatomy of the provisions of the Act, it is, in fact, basically a protection to the elected candidate. In this regard a Full Bench decision of the High Court of Madhya Pradesh in Smt. Bhulin Dewangan v. State of M.P., 2000 (4) M.P.H.T. 69 (FB), is apposite to refer. The Full Bench while dealing with the validity of notice calling a meeting of no confidence under M.P. Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 speaking through D.M. Dharmadhikari, J. (as His Lordship then was) held as follows:—

“15. The general rule is that noncompliance of mandatory requirement results in nullification of the Act. There are, however, several exceptions to the same. If certain requirements or conditions are provided by statute in the interest of a particular person, the requirements or conditions, although mandatory, may be waived by him if no public interest are involved and in such a case the act done will be valid even if the requirements or conditions have not been performed. This appears to be the reason for learned C.K. Prasad, J. in Dhumadhandin v. State of M.P. [1997 (1) Vidhi Bhasvar 49] which was followed by R.S. Garg, J., in Mahavir Saket v. Collector, Rewa (1998 (1) J.L.J. 113] for holding that mere non-compliance of first part of the rule in fixing a meeting beyond the prescribed days of the motion of no confidence would not invalidate the whole proceedings. In case of Dhumadhandin (supra), the Sarpanch did not question the validity of the notice calling the meeting of no confidence and in fact had taken chance by facing the motion. R.S. Garg, J. in Mahavir Saket (supra) placed reliance on the decision of C.K. Prasad, J., in Dhumadhandin (supra) to uphold the passing of the no confidence motion in the adjourned meeting as in the meeting called within the prescribed fifteen days the Presiding Officer was not available. Sub-section (4) of Section 21 permits reference of a dispute to the Collector by Sarpanch or Up-Sarpanch against whom a notice of no confidence motion had been passed. The proceedings of the no confidence motion or other proceedings under the Act are also assailable in this Court as Constitutional Court



under Article 227 of the Constitution of India. As has been construed by us, even though second part of the rule requiring dispatch of notice of the meeting to the member is mandatory, yet in every case of challenge to the proceeding of no confidence motion either before the Collector or this Court, it would still be open to the Collector or this Court to find out whether in a given case non-compliance of any part of the rule has in fact resulted in any failure of justice or has caused any serious prejudice to any of the parties. The general rule is that a mandatory provision of law requires strict compliance and the directory one only substantial. But even where the provisions is mandatory, every non-compliance of the same need not necessarily result in nullification of the whole action. In a given situation even for non-fulfillment of mandatory requirement, the authority empowered to take a decision may refuse to nullify the action on the ground that no substantial prejudice had been caused to the party affected or to any other party which would have any other substantial interest in the proceeding. This Court under Article 227 of the Constitution has also a discretion not to interfere even though a mandatory requirement of law has not been strictly complied with as thereby no serious prejudice or failure of justice has been caused. This is how various Single Bench decisions in which even after finding some infraction of the second part of Rule 3(3) of the Rules of 1994, the resolution of no confidence motion passed was not invalidated on the ground that no substantial prejudice thereby was caused to the affected parties. The intention of the legislature has to be gathered from the provisions contained in Section 21 and the Rule 3(3) framed thereunder. The provisions do evince an intention that a meeting of the no confidence motion be called within a reasonable period of not later than 15 days and every member has to be informed of the same seven days in advance. A notice of no confidence motion is required to be moved by not less than $\frac{1}{3}$ rd of the total number of elected members as required by first proviso to sub-rule.(1) of Rule 3 and can be lawfully carried by a resolution passed by majority of not less than $\frac{3}{4}$ th of the Panches present and voting and such majority has to be more than $\frac{2}{3}$ rd of the total number of Panches constituting the Panchayat in accordance with sub-section (1) of Section 21 of the Act. This being the substance of the provisions under the Act and the rules, a mere non-compliance of second part of sub-rule (3) would not in every case invalidate the action unless the Collector while deciding the dispute under subsection (4) of Section 21 or this Court in exercise of its supervisory jurisdiction under Art. 227 of the Constitution comes to the conclusion that such noncompliance has caused serious prejudice to the affected office bearer or has 'otherwise'



resulted in failure of justice.”

16. We get some support in our conclusion on the construction of the provisions contained in the Rule from Statutory construction by Francis J. Mc. Caffrey, 1953 Edition, Article 52, Page 110 where it stated:—

“Where a statute regulates the time at or within which an act is to be done by a public officer or body, it is generally construed to be permissive only as to the time, for the reason “that the public interests are not to suffer by the laches of any public officer” (Looney v. Hughes, 26 N.Y. 514). While The Courts are inclined to hold such provisions to be directory only as to time, they will be read as mandatory if the nature of the act to be performed or the phraseology of the statute indicates an intention on the part of the legislature to exact a literal compliance with the requirement of time. The Courts seek to achieve a just result in not ascribing an invalidating effect to the failure of public officers to observe the, time provisions of statutes; a contrary rule would operate unfairly in prejudicing the rights of persons who have no control over the conduct of the public officer.”

and from the following passage in. Statutory Interpretation by Francis Bennion, Second Edition, Part-I Section 10 Page. 34:—

“Even where the duty is mandatory, the Court will not now-a-days hold it to be contravened because of a purely, formal or technical defect. This may be described as a defect that does not materially impair the remedy intended to be provided by the enactment for the mischief to which it is directed.”

21. Applying the aforesaid principle to the facts of the present case there can be no room for doubt that the right could be waived by the elected candidate and she has done so by her express conduct. Quite apart from the above this Court cannot be oblivious of the fact that the appellant had participated in the meeting by taking a chance and 12 members voted against her. It is also apt to note all the members had been served and they had participated. The requisite majority had voted against her. Ergo, there is no justification or warrant to interfere in the proceeding of No Confidence Motion in exercise of the extraordinary and equitable jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.

23. The legal proposition enunciated therein



cannot be doubted but, a significant one, the factual matrix has to be scanned. In the said case the petitioner had filed the writ for quashment of notice whereby date and time to consider the No Confidence Motion against him was placed. The matter was subject to result of the writ petition. The said decision does not show that the petitioner himself had issued the notice or had participated in the election process without any protest. Thus, while agreeing with the proposition of law set out therein we distinguish the said decision on facts.

24. In view of the aforesaid premises the appeal, being sans substratum, has to pave the path of dismissal and, accordingly, we so direct. However, in the facts and circumstances of the case there shall be no order as to costs.”

29. The allegation of fraud and collusion pleaded by the petitioner, that in absence of any recording, as to whether, the charges were read out in the house and the petitioner was not given opportunity to defend himself. I am of the opinion that on bare reading of minutes of the house dated 18.01.2024, it is evident that it records information that discussions were made on the charges recording that **“Prashatav Pe Charcha Ki Gayi”** and after deliberation, the voting was conducted and the petitioner could not gain the confidence of the house. It has been admitted by the petitioner that he was present in the meeting. The contention with respect to the fact that the minutes do not give any subsequent information, as to whether, it has been recorded with respect to the Pramukh and Up Pramukh, on perusal of the minutes, it appears that separate deliberation has been recorded by the Presiding Officer. I don't find in any



manner there has been violation of provisions of Section (3)(V) and (VI) and manner prescribed under Rules.

30. It is thus clear that once the petitioner, who is the Pramukh, had participated in the meeting, he cannot turn around and take a summersault to either assail the charges contained in the requisition or that he was not given any opportunity and there is any violation of principles of natural justice in conduct of meeting as prescribed under the provisions of Sub Section 3 (V) &(VI) of Section 44 the Act.

31. In above view of discussions made, hereinabove, I don't find any infirmity in the process of recording of the discussion/deliberation in the minutes with respect to the meeting held on 18.01.2024 to be in any manner in violation of procedure prescribed under Section 44 (3)(IV)(V)&(VI) of the Act and calls no interference by this Court.

32. Accordingly, the writ petition is consigned to records.

(Purnendu Singh, J)

brajesh/-

AFR/NAFR	A.F.R
CAV DATE	N/A
Uploading Date	11.03.2024
Transmission Date	N/A

