

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1554 of 2024

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Shailendra Prasad Singh S/o Bharat Prasad Singh R/o Village-Pachpaika, P.S.-
Belsar O.P., District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Panchayati Raj Government of Bihar, Patna.
3. Director, Department of Panchayati Raj, Government of Bihar, Patna.
4. District Panchayati Raj Officer, Vaishali (Hajipur)
5. Block Development Officer-Cum-Executive Officer, Block-Vaishali, District-Vaishali.
6. Up Pramukh, Block-Vaishali, District-Vaishali, Mukesh Bhagat, Son of not Known, Member Panchayat Samiti, Vaishali Block through the Block Development Officer,
7. Surendra Ram Son of Not Known, Member Panchayat Samiti, Vaishali Block through the Block Development Officer,
8. Anil Kumar Son of not Known, Member Panchayat Samiti, Vaishali Block through the Block Development Officer,
9. Prabhash Kumar Son of not Known Member Panchayat Samiti, Vaishali Block through the Block Development Officer,
10. Mukesh Bhagat Son of not Known, Member Panchayat Samiti, Vaishali Block through the Block Development Officer,
11. Md. Naushad Son of not Know, Member Panchayat Samiti, Vaishali Block through the Block Development Officer.
12. Shobha Devi Wife of not Known Member Panchayat Samiti, Vaishali Block through the Block Development Officer.
13. Soni Kumar Wife of not Known Member Panchayat Samiti, Vaishali Block through the Block Development Officer.
14. Geeta Prakash Wife of not Known Member Panchayat Samiti, Vaishali Block through the Block Development Officer.
15. Rinku Devi Wife of not Known, Member Panchayat Samiti, Vaishali Block through the Block Development Officer.
16. Nirmala Devi Wife of not Known, Member Panchayat Samiti, Vaishali Block through the Block Development Officer.
17. Ranjay Kumar Son of not Known Member Panchayat Samiti, Vaishali Block through the Block Development Officer.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate



For the Respondent/s : Mr. Standing Counsel (12)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2024 Heard the parties.

2. Learned counsel appearing on behalf of the petitioner is aggrieved by the order of the Block Development Officer-cum-Executive Officer, contained in Letter No. 01 dated 01.01.2024 directing the petitioner to fix the date of special meeting within fifteen days by illegally clubbing the requisition of no confidence motion dated 30.12.2023 and 01.01.2024 and seeks interference of this Court to quash the notice dated 16.01.2024 to be in violation of order dated 12.01.2014 passed in CWJC No. 618 of 2024 and also in violation of Section 44 of the Bihar Panchayati Raj Act, 2006 (hereinafter referred to as the 'Act'). Learned counsel submitted that petitioner being Pramukh had withdrawn the letter dated 01.01.2024 finding to not in accordance with Section 44 of the Act, however, Block Development Officer-cum-Executive Officer had directed to convene a meeting of no confidence motion of the Panchayat Samiti on 30.01.2024 and had issued notice to all the members of the Panchayat Samiti, petitioner and the Up-Pramukh.

3. Learned counsel appearing on behalf of the petitioner submits that matter requires to be adjudicated by the



District Magistrate-cum-Collector, concerned in exercise of power under Section 157 of the Act.

4. Considering the grievance of the petitioner that there is complete violation of procedure prescribed under Section 44 (3)(i) of the Act, it would be in the interest of justice to call upon the members of the Panchayat Samiti, to avoid time in process of issuing notice, this Court finds that the District Magistrate must ensure to inform the Block Development Officer-cum-Executive Officer, concerned, so that all the members may appear before him in person on 27.01.2024.

5. In case of failure by any of the member, the District Magistrate must resort to first enquire, as to whether, he has deliberately avoided to appear before him is for any genuine cause. If it is deliberate, the District Magistrate must ensure to take appropriate action in accordance with law against the concerned member of Panchayat Samiti.

6. The District Magistrate is directed to pass a reasoned order after providing due opportunity of hearing to all the interested parties expeditiously on or before 03.01.2024 without fail.

7. The special meeting dated 30.01.2024 shall lose its operation till final decision is taken by the District Magistrate.



8. Learned counsel for the State may take steps to immediately communicate the District Magistrate, concerned, by both the means, fax as well as, by telephonic communication.

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

(Purnendu Singh, J)

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