

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1630 of 2024**

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Nilam Devi wife of Manoj Yadav, Resident of Village-Goriyari, Panchayat-Gourdah Goriyari, Shivmandir, P.S.-Shalkhua, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, 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, Saharsa.
5. The Sub Divisional Officer, Shalkhua, District-Saharsa.
6. The Block Development Officer, Shalkhua cum Executive Officer, Block Panchayat Samiti, Shalkhua, District-Saharsa.
7. Ajay Kumar, son of Brahmdev Chaudhary, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
8. Dharmchandra Mahto, son of Paltan Mahto, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
9. Neelam Devi, wife of Birendra Singh, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
10. Andula Devi, wife of Manoj Yadav, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
11. Rupa Kumari, wife of Brajesh Kumar, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
12. Sarita Sangam, wife of Rakesh Raushan, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
13. Deepak Kumar Yadav, son of Kamleshwari Yadav, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
14. Chandeshwari Chaudhary, son of Ramswap Chaudhary, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
15. Md. Meraj Alam, son of Baseer Alam, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.



16. Putul Devi, wife of Sanjay Kumar, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
17. Nutan Kumari, wife of Ranjeet Kumar, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
18. Kumari Indurani, wife of Anjay Yadav, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
19. Reeta Devi, wife of Deepchandra Sada, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
20. Piyush Goyal, son of Brahmdev Kumar Yadav, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.
21. Babulal Yadav, son of Mangen Yadav, member of Block Panchayat Samiti, Shalkhua, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Shalkhua, P.S.-Shalkhua, District-Saharsa.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ravi Raj, Advocate.  
For the State : Mr. Rohitabh Das, AC to AAG-13.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 30-01-2024**

Heard Mr. Ravi Raj, learned counsel appearing on behalf of the petitioner and Mr. Rohitabh Das, learned AC to AAG 13 for the State.

2. Petitioner has, *inter alia*, filed the present writ petition for the following reliefs:-

*(i) For issuance of writ in the nature of Certiorari for quashing of the Letter dated 23.01.2024 vide letter No. 99, issued under the signature of Executive Officer, (Panchayat Samiti)-cum-Block Development Officer, Shalkhua, District- Saharsa (Respondent No. 6), whereby and where under the requisition dated NIL submitted by the requisitionists Sarita Sangam and other 8 Panchayat Samiti Members for convening the Special*



*Meeting for want of No Confidence Motion in Pramukh, Shalkhua Block because the same has directly been served to the Executive Officer-cum-Block Development Officer, Shalkhua in complete violation of Section-44 of Bihar Panchayati Raj Act, 2006 as well as Letter dated 05.10.2015 contained in Letter No. 7286 issued by the Director, Department of Panchayati Raj, Government of Bihar. Patna.*

*(ii) For issuance of writ in the nature of Certiorari for quashing the requisition dated NIL (No date) received by Respondent No. 6, the Block Development Officer, Shalkhua-cum- Executive Officer, Block Panchayat Samiti, Shalkhua, District- Saharsa by only 9 members of the Panchayat Samiti, Shalkhua, Saharsa, in which the signature of the some of the requisitionists were falsely been shown although, they have not put their signature on the requisition.*

*(iii) For declaration the whole procedure for convening a Special Meeting for want of No Confidence Motion, which is illegally and arbitrarily scheduled to be held is null and void that if a particular Statute has prescribed a particular procedure for certain act, the act has to be done in the manner prescribed. Since the requisitionists members have presented the impugned requisition directly to the Respondent No. 6, against the procedure prescribed under Sub-Section-3 (i) and (iv) of Section 44 of the Gram Panchayat Act and by making mal practices, the requisition so submitted by the requisitionists is not a valid requisition in the eye of law and in absence of the same, the entire proceeding/procedures adopted against the petitioner for want of No Confidence Motion is null and void..*

*(iv) For staying the operation of the Letter dated 23.01.2024 vide letter No. 99, issued under the signature of Executive Officer, (Panchayat Samiti)-cum-Block Development Officer, Shalkhua, District- Saharsa (Respondent No. 6) to convene the Special Meeting and also the entire procedures adopted by the Respondents for want of No Confidence Motion in complete violation of the mandatory requirements embodied in the statute and also in violation of the Principles of Natural Justice.*

*(v) For any other relief/reliefs for which the petitioners are entitled for in the facts and circumstances of the case.*



3. The law with regard to calling of 'No Confidence Motion' has already been settled by a Division Bench of this Court in **Dharamsheela Kumari Vs. Hemant Kumar & Ors. (LPA No.113 of 2020)**. Paragraph Nos. 58 and 59 of the said judgment clarifying that in what manner when a requisition is made, meeting has to be convened. Maintaining the democratic process of Panchayat Raj Institution and also taking into consideration the provision of Article 43 of the Constitution of India, the petitioner being Pramukh must not refrain from holding no confidence motion.

4. Now it is known to everyone about the requisition, this Court fixes the date to hold special meeting of No Confidence Motion on 03.02.2024 at 11:00 A.M to be duly convened among the elected members who would be present on 03.02.2024, irrespective of the fact whether any of the elected members participate or not or the Pramukh or Up-Pramukh are present in the said meeting. The voting has to be conducted as per the law laid down in the case of **Dharamsheela Kumari** (supra) specially in Para-58 and 59 of the said judgment.

5. The Block Development Officer cum Executive Officer must not come in the way in any manner either to draw the proceeding of the meeting or deliberation which jurisdiction



he don't have in accordance with the provision of Section 44 of the Act.

6. The writ petition stands disposed of.

7. Since the order has been passed in the open Court, learned counsel for the State is directed to communicate this order to all the State respondents for the needful, without waiting for the order to be pronounced.

**(Purnendu Singh, J)**

Sanjay/-

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| AFR/NAFR          | N.A.F.R.   |
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