

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1631 of 2024

Sandhya Devi Wife of Ripu Sudhan Singh Resident of Barharwa Lakhan Sen,
P.O.- Barharwa Lakhan Sen, P.S.- Dhaka, District- East Champaran at
Motihari.

... .. 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, East Champaran, Motihari.
5. The Sub-Divisional Officer, Sikrahna District- East champaran at Motihari.
6. The Block Development Officer,, Dhaka-cum-Executive Officer, Block Panchayat Samiti, Dhaka, District- East Champaran at Motihari.
7. Kiran Chaudhary, Wife of Surendra Kumar Chaudhary The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
8. Khushbun Nesha Wife of Nasruddin Ansari The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
9. Nargis Begam Wife of Taufik Alam The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
10. Tabassum Khatoon Wife of Mohammad Samiullah The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
11. Dinesh Sah Son of Asarfi Sah The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
12. Akhtari Begam Wife of Md. Fazlehaque The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
13. Kiran Chaudhary Wife of Surendra Kumar Chaudhary The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
14. Jaglal Sah Son of Chhatthu Sah The Member of Block Panchayat Samiti,



- Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
15. Shahjahan Khatoon Wife of Imteyazul Haque The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 16. Ratnesh Kumar Son of Nawal Kishore Rai The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 17. Mohan Baitha Son of Bipat Baitha The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 18. Shabana Khatoon Wife of Rahmat Ansari The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 19. Asadullah Ansari Son of Adalat Ansari The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 20. Urmila Devi Wife of Bigu Chaudhary The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 21. Md. Naushad Alam Son of Mohammad Shamshad Alam The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 22. Md. Ansarul Haque Son of Md. Salahuddin Ansari The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 23. Mazhar Khan Son of Mofi Ahmad Khan The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 24. Pinki Kumari Wife of Lal Babu Paswan The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
 25. Rizwan Son of Zaheer The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.



26. Baidhnath Mukhiya Son of Dukhit Mukhiya The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
27. Ekramuddin Son of Mohammad Ansar The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
28. Munna Kushwaha Son of Jagarnath Prasad Kushwaha The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
29. Ritesh Kumar Son of Shashi Bhushan Prasad The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
30. Sanjay Sah Son of Kedar Sah The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
31. Bishan Devi Son of Dinkar Sah The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
32. Binod Kumar Son of Baidhnath Paswan The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
33. Pinki Srivastava Son of Ritesh Ranjan Kumar The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
34. Sripati Devi Wife of Bigu Baitha The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
35. Meharnaaz Wife of Aftab Alam The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
36. Khajanti Ram Son of Jagdeo Ram The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.
37. Nagina Devi Wife of Ramswarth Sah The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East



Champaran at Motihari.

38. Faqrun Nesha Wife of Ajmatullah The Member of Block Panchayat Samiti, Dhaka, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhaka, P.S.- Dhaka, District- East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Raj, Advocate
For the Respondent/s : Mr. Kumar Alok, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-01-2024 Heard the parties.

2. Petitioner has filed the writ petition for following

relief(s):

“(i) For issuance of writ in the nature of Certiorari for quashing of the Letter dated 12.01.2024 contained in Memo No. 478 issued under the signature of Director, Department of Panchayati Raj, State Government of Bihar, whereby and where under, a direction/guideline has been issued to the District Magistrate, East Champaran, Motihari in pursuance of his Letter dated 04.01.2024 vide Letter No. 03 that a Special Meeting may be convened for want of No Confidence Motion in Pramukh/Up-Pramukh, if members of the Panchayat Samiti desires, in complete violation of Section-44(3)(ii) of Bihar Panchayati Raj Act, 2006 as well as Section 10 of Bihar Panchayati Raj (Amendment) Act, 2015, which clearly stipulates that “No Confidence Motion shall be brought only once in whole tenure of Pramukh/Up-Pramukh” and also ignoring of the fact that the then Executive Officer-cum-Block Panchayat Raj Officer has committed gross illegalities by cancelling the special meeting dated 08.01.2024, schedules to be held at 11:00 A.M. at Kishan Bhawan Sabhagar, Prakhana-Dhaka and most of the members of the Panchayat Samiti total numbers in 18 were present to participate in the Special Meeting.

(ii) For issuance of writ by commanding and directing the responsible respondent authorities to produce the letter dated 04.01.2024 contained in Letter No. 03 issued by the District Magistrate, East Champaran, Motihari, by seeking guidelines on requisition dated 30.12.2023 for want of No Confidence Motion in Pramukh/Up-Pramukh, Panchayat Samiti, Dhaka, Bhagalpur and quash the same.

(iii) For a declaration 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 law/provision of law is clear as embodied under the statute i.e. Section-44(3)(ii) of the Act, 2006 then the impugned guideline not only suffers



multiple statutory violation but also smells otherwise.

(iv) For staying the operation of the Letter dated 12.01.2024 contained in Memo No. 478 issued under the signature of Director, Department of Panchayati Raj, State Government of Bihar and also the entire procedures adopted by the Respondents against the petitioner 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 petitioner is entitled for in the facts and circumstances of the case.”

3. Mr. Kumar Alok, learned counsel appearing on behalf of the State submits that it has been recorded in order dated 16.01.2024 passed in CWJC No. 911 of 2024 that the date of ‘No Confidence Motion’ was not fixed and a direction was given to the District Magistrate to proceed on the basis of allegations made by all the requisitionists. He submits that the District Magistrate has informed him that today, all the members including the petitioner and the Pramukh were required to be present before the District Magistrate to fix a date of special meeting for ‘No Confidence Motion’.

4. Considering the aforesaid submission made on behalf of the State, the District Magistrate, East Champaran, Motihari, must follow the principle laid down in the judgment of the Division Bench of this Court Passed in ***L.P.A. No. 113 of 2020 (Dharamsila Kumari vs. Hemant Kumar & Ors.)*** specially paragraphs no. 58 and 59 of the said judgment and direct to hold voting among the elected members, who are found



to be present on the date fixed for special meeting of ‘No Confidence Motion’ in accordance with the provision of Section 44 of the Act, 2006.

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

6. 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)

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