

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1719 of 2024

Rinku Devi Wife of Sri Ranjay Kumar Paswan Resident of Village- Rampur Manorath, P.O. and P.S.- Patahi, District- East Champaran at Motihari, presently Pramukh of Block Panchayat Samiti, Patahi, District- East Champaran at Motihari. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari, District- East Champaran at Motihari.
4. The District Panchayat Raj Officer, East Champaran at Motihari, District- East Champaran at Motihari.
5. The Sub-Divisional Officer, Pakaridayal, District- East Champaran at Motihari.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, District- East Champaran at Motihari.
7. Krishna Kumar Singh Son of not known to the Petitioner, Presently Up-Pramukh of Block Panchayat Samiti, Patahi, P.O.- and P.S.- Patahi, District- East Champaran at Motihari.
8. Dharmendra Kumar Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
9. Udha Devi Wife of not known to the Petitioner. The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
10. Nirmala Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
11. Abhishek Kumar Singh Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
12. Sunita Devi Wife of not known to the petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
13. Rina Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
14. Fulkumari Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.-

Patahi, District- East Champaran at Motihari.

15. Chandrama Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
16. Shobha Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
17. Santosh Sah Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
18. Naga Raut Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
19. Shiv Pujan Prasad Yadav Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
20. Naim Son of not known to the petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
21. Sanjay Sah son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
22. Padmaksh Ranjan Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
23. Nandani Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
24. Samprabha Devi wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
25. Mantu Baitha Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.- Patahi, District- East Champaran at Motihari.
26. Sajma Khatoon wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Patahi through the Block Development Officer-

cum-Executive Officer, Block Panchayat Samiti, Patahi, P.O. and P.S.-
Patahi, District- East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the State : Mr. Nawal Kishor Singh, AC to GP-(26)
For the Respondent/s : Mr. Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 30-01-2024

Heard Mr. Awnish Kumar,, learned counsel
appearing on behalf of the petitioner, Mr. Surendra Kishore
Thakur, learned counsel appearing on behalf of the
Respondent/s and Mr. Nawal Kishor Singh, learned AC to GP-
(26) appearing on behalf of the State.

2. The petitioner has filed the present writ petition
for the following reliefs:

(I). For issuance of an appropriate writ in the nature
of Certiorari for quashing the requisition dated 09.01.2024
submitted by 13 elected members of Block Panchayat Samiti,
Patahi and addressed to the petitioner but directly submitted in the
office of Respondent no.6 on 09.01.2024 wherein the requisitionists
had made a grievance from the petitioner to fix a date for
convening the special meeting of Block Panchayat Samiti, Patahi
for consideration of their No Confidence Motion against the
petitioner.

(II). For issuance of an appropriate writ in the nature
of CERTIORARI for quashing the notice dated 23.01.2024 issued

under the signature of the Respondent no.6 and contained in his letter no.32 dated 23.01.2024, whereby and where under the Respondent no.6 has been pleased to issue notice of special meeting of Block Panchayat Samiti, Patahi dated 02.02.2024 convened for consideration of No Confidence Motion against the petitioner

(III). For issuance of any other appropriate writ/writs. order/ orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

3. Learned counsel appearing on behalf of the petitioner submits that requisition dated 08.01.2024 made by altogether 13 elected members were not personally presented before the petitioner as would appear from the receiving dated 09.01.2024 by the office of the respondent no.6. Learned counsel also submits that the charges as alleged against the petitioner in the said requisition dated 08.01.2024 are not clear charges and the charges being general and omnibus, the same do not fulfill the mandatory provision of Section 44(3)(iv) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act').

4. Mr. Surendra Kishore Thakur, who has tendered his appearance on behalf of the one of the elected members, who has been impleaded as respondent no.8 submits that

requirement of the provision of Section 44 of the Act has not been made in its letter and spirit. If the elected members are aggrieved by the functioning of the petitioner, they can make a fresh application by 03.02.2024 in person before the petitioner and the petitioner must ensure not to refrain from accepting the requisition.

6. Considering the rival submission made on behalf of the parties, the petitioner is required to call all the elected members and those, who want for special meeting of 'No Confidence Motion' against him, must file their requisition before the petitioner on 02.02.2024 in persons and thereafter, the petitioner is directed to fix a date of special meeting in accordance with Section 44 (3) (i) of the Act. In case, the petitioner refrains in any manner, the petitioner will be debarred from the functioning as Pramukh.

7. If the meeting is announced by the Up-pramukh, if he so desire as a presiding member, he must not allow the petitioner to interfere in any manner.

8. In case of failure on the part of the Up-pramukh, the elected members may convene a special meeting on the said date and the meeting is required to be convened in the manner clarified by the Division Bench of this Court in LPA No.113 of

2020 (*Dharamsila Kumari vs. Hemant Kumar & Ors.*) in paragraph nos. 58 and 59 of the judgement among the elected members present in the meeting.

9. With the aforesaid direction, the present writ petition stands disposed of.

10. Since the order has been passed in the open Court, learned counsel appearing on behalf of 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.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2024
Transmission Date	NA