

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1720 of 2024

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Amarjeet Paswan Son of Awadhesh Paswan Resident of Village- Baharar,
P.S.- Muffasil, District- Rohtas

... .. 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 Director, Panchayati Raj Department, Government of Bihar, Patna
4. The District Magistrate, Rohtas
5. The Sub Divisional officer, Sasaram Dist Rohtas
6. The Block Panchayat Raj Officer, Sasaram cum Ex Executive officer, Panchayat Samiti, Sasaram District- Rohtas.
7. The Executive officer (P.S) cum Block Development officer, Sasaram Dist Rohtas.
8. Smt. Kaushalya Devi, Pramukh Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
9. Smt. Sarshawti Devi, Up Pramukh Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
10. Mr. Upendra Ram Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
11. Shital Singh Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
12. Smt. Sona Devi Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
13. Smt. Gudiya Devi Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
14. Smt. Rupa Kumar Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
15. Mr. Salim Miyan Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
16. Smt. Lalpadi Devi Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
17. Mr. Wakil Prasad Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.
18. Smt. Lilawati Devi Members of the Panchayat Samiti, under Block Sasaram, P.S. - Sasaram, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai, Advocate
For the Respondent/s : Mr. Addl. Advocate General (13)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 30-01-2024

Heard Mr. Amrendra Narayan Rai, learned Counsel appearing on behalf of the petitioner and Addl. Advocate General (13), learned AAG-13 appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the elected member and he has not been informed about the meeting, which is of No Confidence Motion, and the same is to be convened on 05.02.2024 by the requisitionists, who are also elected members of the Panchayat Samiti. However, a notice dated 24.01.2024 has been issued to him by the Block Development officer -cum – Executive Officer, which he had received on the same day thereafter he came to know about the date of meeting.

3. Considering the aforesaid submission made on behalf of the petitioner, I do not find any infirmity in the manner in which the requisitionists have communicated the date of meeting to the respondent no.7, the Block Development officer -cum- Executive Officer, who in turn in accordance with the provision of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the ‘Act’) vide his letter dated 24.01.2024 for holding meeting on 05.02.2024. The petitioner, if finds proper,

he may participate in the special meeting which is to be held on 05.02.2024.

4. The presiding officer is directed to hold the meeting and declare the result in accordance with the law laid down by the Division Bench of this Court in case of *Dharamsila Kumari vs. Hemant Kumar & Ors.* particularly applied by the clarification made in paragraph nos. 58 and 59 of the judgement among the elected members present in the meeting and announce the result on the basis of voting made by the elected members, who cast vote on 05.02.2024.

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

6. 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