

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2325 of 2024**

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Lakshmi Prasad Yadav son of Late Ram Jinis Ray, resident of Village and P.O. Anhari, P.S. Riga, District-Sitamarhi.

... .. 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, Sitamarhi, District-Sitamarhi.
4. The District Panchayat Raj Officer, Sitamarhi, District-Sitamarhi.
5. The Sub Divisional Officer, Sitamarhi, District-Sitamarhi.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Riga, District-Sitamarhi.
7. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
8. The Secretary, The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
9. Ganesh Paswan, son of Rambhajan Paswan, presently Up-Pramukh of Block Panchayat Samiti, Riga, District-Sitamarhi.
10. Santosh Paswan, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
11. Sangeeta Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
12. Shamila Khatoon, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
13. Arun Kumar Singh, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
14. Khusboo Kumari, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
15. Umesh Sah, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.



16. Madhuri Kumari, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
17. Anoj Kumar, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
18. Kiran Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
19. Nirmala Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
20. Raj Kumar Rai, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
21. Krishna Yadav, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
22. Kaneeja Khatoon wife of not known to the petitioner elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
23. Ajay Kumar, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
24. Rajesh Rai, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
25. Dinesh Sah, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
26. Rakesh Kumar Singh, son of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
27. Banarsi Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga,



District-Sitamarhi.

- 28. Sunita Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
- 29. Madhu Sinha, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.
- 30. Savita Kumari, wife of not known to the petitioner, elected member of Block Panchayat Samiti Riga through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Riga, P.O. and P.S. Riga, District-Sitamarhi.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. S.B.K. Mangalam, Advocate |
| For the Respondent/s | : | Mr. Government Pleader (19)   |
| For SEC              | : | Mr. Girish Pandey, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      13-08-2024                      Heard Mr. S.B.K. Mangalam, learned counsel for the petitioner and Mr. Girish Pandey, representing the State Election Commission.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the proceeding of the special meeting of Block Panchayat Samiti, Riga dated 15.01.2024 convened for consideration of No Confidence Motion against the petitioner in which a resolution of No*



*Confidence was passed against the petitioner by the majority of the elected members of the Block Panchayat Samiti on the ground that the said special meeting was not convened in accordance with the provision contained under Section 44(3) (iv) of the Bihar Panchayat Raj Act 2006 (hereinafter referred to as the Gram Panchayat Act) and thus the decision taken in the said special meeting is illegal and fit to be set aside;*

*(ii) for a declaration that if for holding of the special meeting for consideration of No Confidence Motion against the Pramukh or the Up Pramukh of the Block Panchayat Samiti, detail procedure has been prescribed under Section 44 (3) of the Gram Panchayat Act, any special meeting convened in contravention of*



*the procedure prescribed under Sub-Section -3 of Section -44 of the Gram Panchayat Act and any decision taken there at are illegal and cannot be sustained in law;*

*(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. The main grievance of the petitioner is that in the meeting dated 15.01.2024, as per the proceeding, it has only been incorporated that discussion on the allegation took place, the petitioner as a 'Pramukh' gave his clarification and thereafter, voting took place in which out of 12 elected members were present while one vote was cancelled, all the 11 went in support of the 'No Confidence Motion' and he was removed from the post.

4. Mr. Girish Pandey informed that subsequently election took place and respondent no.19, Nirmala Devi has taken over as 'Pramukh' while respondent no.15, Umesh Sah



has become 'Up-Pramukh' pursuant to the election held 15.02.2024.

5. This Court has gone through the minutes of the proceeding in which it has been incorporated that discussion took place, the petitioner gave his clarification whereafter, the voting on the motion was conducted and the same was allowed pursuant to the 11 out of 12 members voting for it. This Court does not find any illegality in the proceeding.

6. The seat was declared vacant, the election took place and as per the information given by learned counsel for the State Election Commission, the new incumbent has already been taken.

7. In that background, the petitioner being the Ex-Pramukh has a lot to do in providing his valuable experience to the new 'Pramukh/Up-Pramukh' for the development of the area where he was till the other day the 'Pramukh'.

8. The writ petition stands disposed of.

**(Rajiv Roy, J)**

Ravi/-

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