

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2549 of 2024

Razia Begum Wife of Akhter Imam Resident of Village- Lathiyahin, P.O.- Behra, P.S.- Sikta, District- West Champaran at Bettiah. Presently residing at Mohalla- Quilla, Ward No. 20, Near Imambara Bettiah, P.O. and P.S.- Bettiah, District- West Champaran at Bettiah.

... .. 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, West Champaran at Bettiah, District- West Champaran at Bettiah,
4. The District Panchayat Raj Officer, West Champaran at Bettiah, District- West Champaran at Bettiah,
5. The Sub-Divisional Officer, Narkatiyaganj, District- West Champaran at Bettiah,
6. The Block Development Officer-cum-Executive Officer, Panchayat Samiti, Sikta, District- West Champaran at Bettiah,
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. Utkarsh Srivastava @ Utkarsh Kumar son of Shyam Babu Srivastava The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
10. Ajit Kumar son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
11. Ramchandra Prasad Gupta son of not known to the Petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
12. Dilip Kumar Mandal son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
13. Harindra Paswan son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
14. Nandrani Devi wife of not known to the petitioner The Elected Member of



- Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
15. Jhuna Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 16. Archana Pandey wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 17. Sarita Devi wife of not known to the Petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 18. Sanjita Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 19. Arvind Kumar son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 20. Urpramila Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 21. Shamshad Akhtar son of not known to the Petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 22. Noorjanat Khatoon wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 23. Navin Kumar Jha son of not known to the Petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 24. Pramod Prasad Shah son of not known to the Petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
 25. Pramila Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,



26. Aryan Rao son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
27. Hasina Khatoon wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
28. Hasina Khatoon Wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,
29. Qamrul Hoda Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Sikta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sikta, P.O. and P.S.- Sikta, District- West Champaran at Bettiah,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the State	:	Mr. Sudama Kumar, AC to SC-12
For the SEC	:	Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 24-09-2024 Heard Mr. Awnish Kumar, learned counsel for the petitioner and Mr. Ravi Ranjan, learned counsel for the Bihar State Election Commission as also learned counsel for the State.

2. The present petition has been filed for the grant of following reliefs:-

(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the requisition dated NIL signed by 12 elected members of Block Panchayat Samiti, Sikta and addressed to the writ petitioner but submitted before the Respondent no.6 on 09.01.2024 on the ground that the requisition submitted on



09.01.2024 does not fulfill the mandatory requirement of Sub-Section -3(i) of Section -44 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act).

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the notice dated 10.01.2024 issued under the signature of the Respondent no.6 and contained in his letter no.50 dated 10.01.2024 whereby and where under he had informed the petitioner that a special meeting of Block Panchayat Samiti has been convened on 19.01.2024 for consideration of No Confidence Motion against her and she was further requested to attend the said special meeting on the ground that if the requisition itself was not a proper requisition since it was addressed to the petitioner, however, the date of special meeting was fixed by the Pramukh, the decision of the Pramukh to convene the special meeting on the basis of a requisition addressed in the name of the petitioner and the subsequent notice of special meeting issued by the Respondent no.6 is thoroughly illegal and cannot be sustained in law.

(III) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the proceeding of special meeting of Block Panchayat Samiti, Sikta dated 19.01.2024, wherein No Confidence Motion against the writ petitioner was placed for consideration and after



consideration it was declared to have succeeded by the support of 12 elected members on the ground that if the requisition itself was an illegal requisition, the resolution of No Confidence passed in the special meeting dated 19.01.2024 was also illegal and, therefore, fit to be set aside.

(IV) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 19.01.2024 passed by the Respondent no.6, whereby and where under he was prepared a summary of proceeding of the special meeting dated 19.01.2024 and has been pleased to hold that the No Confidence Motion against the Up-Pramukh, the writ petitioner stands succeeded with the support of 12 members of Panchayat Samiti.

(V) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for reinstatement of the petitioner to the post of Up-Pramukh which she was holding on or before 19.01.2024 on the ground that her removal from the office of Up-Pramukh was thoroughly illegal and contrary to law.

(VI) 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 petitioner was serving as the 'Up-Pramukh' of



Sikta Block Panchayat Samiti in the District of West Champaran and on 09.01.2024 requisition was made by the Panchayat Samiti Members for convening a special meeting to consider charges against her as also the 'No Confidence Motion'.

4. The case of the petitioner is that as per the Bihar Panchayat Raj Act, (hence for short 'the Act') it was to be presented before 'Pramukh' and only after his/her refusal, it can be sent either to the 'Up-Pramukh' and/or can be taken up by one-third members of Panchayat Samiti. However, in this case, it was addressed to the 'Up-Pramukh' and as such no such meeting could have taken place which ultimately led to her removal as the 'No Confidence Motion' was passed on 19.01.2024.

5. The counter affidavit has come duly signed by the Block Development Officer, Sikta, West Champaran, and learned State Counsel submits that though the word 'Up' had come along with the 'Pramukh' it was due to inadvertence and it was never presented to the 'Up-Pramukh' rather was considered by the 'Pramukh' who fixed the date as 19.01.2024. Further, on the said date, the meeting took place and out of 14 elected members, 12 voted for the Motion which led to her removal.

6. The subsequent development is that the seat was



declared vacant by the Sub-Divisional Officer, Narkatiaganj and further election took place and respondent no.29 namely Qamrul Hoda have now become the 'Pramukh'. The facts narrated by the Block Development Officer has not been countered by the petitioner by filing any reply. In that background, the respondents went by 'the Act' and it was the 'Pramukh' who fixed the date after the request made by the Panchayat Members.

7. The meeting subsequently took place and the 12 out of 14 members voted for the Motion. She has been removed and respondent no.29 has stepped into her shoes. No relief can be granted to her.

8. However, she having remained 'Up-Pramukh' for two years can very well give her advice to the 'Up-Pramukh' and/or the Samiti having vast experience of the last two years.

9. The writ petition lacks merit, dismissed.

(Rajiv Roy, J)

vinayak/-

U			
---	--	--	--

