

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2188 of 2024

Phulpato Devi W/o Shivdeyal Ram Resident of village- plus P.O.- Umarpur,
P.S.- Buxar Industrial Area, District- Buxar presently Pramukh of Block
Panchayat Samiti, Buxar Sadar Block, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar, District- Buxar.
4. The District Panchayat Raj Officer, Buxar.
5. The Sub-Divisional Officer, Buxar Sadar, Buxar.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
7. The Block Panchayat Raj Officer, Buxar Sadar, Buxar.
8. Smt. Chinta Devi W/o Not Known Elected Member, Block Panchayat Samiti, Kamarpur (W) Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
9. Smt. Bhobhna Kumari W/o Not known Elected Member, Block Panchayat Samiti, Kamarpur (E) Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
10. Upendra Kumar Rai S/o not known Elected Member, Block Panchayat Samiti, Chhotka Nuaon (W), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
11. Smt. Munni Devi W/o not known Elected Member, Block Panchayat Samiti, Chhotka Nuaon (E) Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
12. Sri Dadan Mallah S/o Not known Elected Member, Block Panchayat Samiti, Karahansi Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
13. Smt. Rizwana Begum W/o Not Known Elected Member, Block Panchayat Samiti, Rahasichak, Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
14. Smt. Tetri Devi W/o not known Elected Member, Block Panchayat Samiti, Nadawn, Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
15. Santosh Kumar Yadav S/o Not known Elected Member, Block Panchayat Samiti, Nadawn (N), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
16. Smt. Arti Devi W/o not known Elected Member, Block Panchayat Samiti, Chhotka Nadawn (S), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.



17. Om Prakash Kamkar S/o not known Elected Member, Block Panchayat Samiti, Mahdah, Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
18. Jay Kishun Ram S/o Not known Elected Member, Block Panchayat Samiti, Biksa (S), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
19. Smt. Nilu Singh W/o not known Elected Member, Block Panchayat Samiti, Boksa (N), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
20. Smt. Lalita Devi W/o Not known Elected Member, Block Panchayat Samiti, Jagdishpur (S), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
21. Dharamraj Singh S/o not known Elected Member, Block Panchayat Samiti, Jagdishpur (N), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
22. Rakesh Kumar Singh S/o not known Elected Member, Block Panchayat Samiti, Churamanpur, Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
23. Smt. Rinku Devi W/o not known Elected Member, Block Panchayat Samiti, Arjunpur, Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
24. Smt. Rohila Devi W/o not known Elected Member, Block Panchayat Samiti, Khutha Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
25. Smt. Meena Devi W/o not known Elected Member, Block Panchayat Samiti, Sonvarsha, Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
26. Smt. Shail Devi W/o not known Elected Member, Block Panchayat Samiti, Dalsagar, Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
27. Krishna Kumar S/o not known Elected Member, Block Panchayat Samiti, Baruna (W), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.
28. Om Prakash Tiwari S/o not known Elected Member, Block Panchayat Samiti, Baruna (E), Buxar Sadar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Buxar Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the Respondent/s : Mr. Government Advocate 13

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH



ORAL JUDGMENT

Date : 09-02-2024

Heard the parties.

2. The petitioner has earlier filed CWJC No.927 of 2024 which was disposed of vide order dated 16.01.2024, directing the District Magistrate to verify as to whether the special meeting, which was fixed on 18.01.2024 and re-fixed on 19.01.2024 by the Block Development Officer and communicated to the elected members, as well as, the petitioner was in accordance with the provision of Section 44 (3) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as “the Act”). The District Magistrate thereafter in compliance of the order has passed the order contained in Memo No.16-0127 dated 20.01.2024 directing for holding special meeting in accordance with the provision of Section 44(3) read with clause 7(v) of the resolution of the State Election Commission dated 16.09.2008.

3. Mr. Ravi Ranjan, who is present in the Court and appears on behalf of the State Election Commission at the outset submitted that there are several notifications issued by the State Election Commission, however, in light of the direction passed in several writ petitions of this Court, the said notification dated 16.09.2008 is no more applicable which has been rescinded by the State Election Commission. The State Election Commission



has no role in any manner with respect of conduct of special meeting of “No Confidence Motion” or manner prescribed under Section 44(3) of the Bihar Panchayat Raj Act, 2006.

4. The recent communication made by the State Election Commission is contained in letter 449 dated 08.02.2024 and has been brought to the notice of this Court.

5. Petitioner is aggrieved by the letter no.16-0127 dated 20.01.2024 communicated by the Executive Officer-cum-Block Development Officer, who has exercised his power in accordance with the notification dated 16.09.2008 which cannot be held to be in accordance with the law once the State Election has rendered it inoperative, the same is set aside and quashed. Any meeting in furtherance of the aforesaid letter being in violation of the provision of Section 44(3) can also not be sustained. The elected members of the Panchayat Samiti, petitioner and the Up-Pramukh may proceed to fix the date of special meeting in accordance with the provision of Section 44(3)(i) of the Act. The Presiding Officer must ensure to declare the result by following the democratic process.

6. The writ petition is disposed of.

7. 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 respondents for the needful.

Sanjay/-

(Purnendu Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2024
Transmission Date	NA

