

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2365 of 2024

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Nishu Kumari, Wife of Rajesh Ranjan, Resident of Village- Desari, P.S. Desari, District Vaishali, Pin-844504.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayat Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-Cum-District Magistrate, District-Vaishali.
5. The District Panchayat Raj Officer, Vaishali.
6. The Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, Vaishali.
7. Anand Kumar Son of Surendra Prasad Singh Resident of Village-Bhikhanpura, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-10. are Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.
8. Rajmani Devi Wife of Jai Paswan Resident of Village-Rasulpur, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-8. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.
9. Arun Kumar Sahni Son of Ganesh Sahni Resident of Village-Uphraul, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-2. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.
10. Ajit Rai Son of Ramjanam Rai Resident of Village-Rampur Khishri, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-5. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.
11. Santosh Kumar Rajak Son of Ram Vilas Rajak Resident of Village-Azampur, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-9. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.
12. Mukesh Kumar Son of Dharmendra Rai Resident of Village-Vishunpur Ijara, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-6. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat



Samiti, Desari, Block-Desari, District-Vaishali.

- 13. Rinku Devi Wife of Dinesh Paswan Resident of Village-Khoksa Kalyan,Desari, District-Vaishali, Member Panchayat Samiti, Jaffarabad Panchayat-1.Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.
- 14. Rajeshwar Ram Son of Late Bali Ram Resident of Village-Tayabpur, P.S.-Desari, District-Vaishali, Member Panchayat Samiti, Bhikhanpura Panchayat-II. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.
- 15. Sarita Kumari Wife of Vikash Kumar Resident of Village-Jahangirpur Sham, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-7. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer,
- 16. Rahmat Khanam Wife of Md. Ayub Khan Resident of Village-Desari, P.S.-Desari, District-Vaishali, Member Panchayat Samiti-3. Elected Panchayat Samiti Members of the Block Panchayat Samiti, Desari, through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Desari, Block-Desari, District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Vasant Vikas, Advocate
For the State : Mr. Standing Counsel-22
For Respondents & to10 : Mr. Mrigank Mauli, Sr. Advocate
Mr. Sanket, Advocate
Mr. Venkatesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
Date : 26-02-2024

Heard the learned counsel for the parties.

2. The petitioner has called for interference of this Court under Article 226 of the Constitution of India with respect of the direction issued by the District Magistrate, Vaishali at Hajipur in exercise of power conferred under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act, 2006') as contained in Memo No. 239 dated 27.01.2024



(Annexure-P/6), directing the Block Development Officer-cum-Executive Officer, Manhar, Vaishali to convene a meeting in accordance with the provision contained in Clause (i) of sub-section (3) of Section 44. Section 44(3)(i) of the Act, 2006 is reproduced hereinafter :-

44(3)(i) A Pramukh/Up-Pramukh of the Panchayat Samiti shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Panchayat Samiti at a meeting specially convened for the purpose.

The requisition for such a special meeting shall be presented to the Pramukh in writing with a copy to the Executive Officer of the Panchayat Samiti, by not less than one third of the total number of members elected directly from the territorial constituencies of the Panchayat Samiti. The Executive Officer shall immediately bring the requisition to the notice of the Pramukh. The Pramukh shall convene such meeting on a date falling within 15 days of such requisition. If the Pramukh fails to call the special meeting, the Up-Pramukh or one third of the total number of directly elected members may fix a date for such meeting and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting. The Executive Officer shall necessarily issue such notice in time and convene the meeting. No such meeting shall be postponed once the notice for 46 the same has been issued. No



quorum shall be required for the special meeting convened to discuss no confidence motion.

3. Section 44(3)(i) prescribes that if the Pramukh refuses to convene the meeting then the Up-Pramukh and if both the Pramukh and Up-Pramukh refuse to convene the meeting then in that case the elected member of the Panchayat Samiti may fix a date of special meeting of no confidence.

4. Considering the aforesaid facts, the District Magistrate, Vaishali at Hajipur is directed to pass appropriate order specifically in accordance with the provision of Section 44 of the Act, 2006, as well as, taking into consideration the order dated 19.01.2024 passed by this Court in CWJC No. 1112 of 2024, within a period of two weeks from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all the affected parties.

5. The writ application is accordingly disposed of.

(Purnendu Singh, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2024
Transmission Date	

