

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3237 of 2024

1. Vinod Kumar Son of Motilal Sah Resident of Village and Post-Chaita, Police Station Pakridayal, District-East Champaran at Motihari.
2. Sunita Bharti Wife of Baiju Pandit Resident of Village and Post- Police Station Pakridayal, District-East Champaran at Motihari.
3. Rubi Devi Wife of Naresh Kumar Pandit Resident of Village and Post-Dhanauji, Police Station Pakridayal, District-East Champaran at Motihari.
4. Nitu Devi Wife of Nathuni Mukhiya Resident of Village and Post-Sisahani, Police Station Pakridayal, District-East Champaran at Motihari.
5. Vibha Devi Wife of Suresh Rai Resident of Village and Post-Sirha, Police Station Pakridayal, District-East Champaran at Motihari.
6. Ruby Kumari Wife of Sanjay Kumar Resident of Village and Post-Sirha, Police Station Pakridayal, District-East Champaran at Motihari.
7. Rima Devi Wife of Rakesh Sahni Resident of Village-Tharbhitia, Post Office-Majhauilya, Police Station Pakridayal, District-East Champaran at Motihari.

... .. 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, East Champaran at Motihari.
4. The Distirct Panchayati Raj Officer, East Champaran at Motihari.
5. The Sub-Divisional Officer, Pakridayal, East Champaran at Motihari.
6. The Sub-Divisional Public Grievance Redressal Officer, Block-Pakridayal, East Champaran at Motihari.
7. The Block Development Officer-Cum-Executive Officer, Block-Pakridayal, Panchayat Samiti, East Champaran at Motihari.
8. The State Election Commission through the Secreary, 3rd Floor, Sone Bhawan, Daroga Rai path, R Block Chauraha, Beer Chand Patel Path, Patna, Bihar (800001).
9. The Secretary, State Election Commission through the Secreary, 3rd Floor, Sone Bhawan, Daroga Rai path, R Block Chauraha, Beer Chand Patel Path, Patna, Bihar (800001).
10. Pinki Devi (Pramukh) Wife of Manoj Kumar Singh Resident of Village and Post Office-Sundarpatti Police Station- Pakridayal, District-East Champaran at Motihari.
11. Rajesh Kumar (Up Pramukh), Son of Raghuvir Bhagat Resident of Village and Post Chorma, Police Station- Pakridayal, District-East Champaran at Motihari.
12. Rajesh Prasad Son of Ram Ayodhya Bhagat Resident of Village and Post



- Majhad, Police Station- Pakridayal, District-East Champaran at Motihari.
13. Haridwar Paswan Son of Palak Paswan Resident of Village and Post Akauna Chorma, Police Station- Pakridayal, District-East Champaran at Motihari.
14. Indu Devi Wife of Dashai Hajara Resident of Village and Post Rajepur Nawada, Police Station- Pakridayal, District-East Champaran at Motihari.
15. Ajay Kumar Baitha Son of Vishwanath Baitha Resident of Village and Post-Ajgarwa, Police Station- Pakridayal, District-East Champaran at Motihari.
16. Sima Suman Devi Wife of Kishori Thakur Resident of Village and Post Harnathpur, Police Station- Pakridayal, District-East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik
For the State : Mr. Gyan Prakash Jha, GA-7

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 25-11-2024 Heard the learned counsels for the parties.

2. In this case, a meeting was convened for discussing the ‘No-Confidence Motion’ against the *Pramukh* and *Up Pramukh* (Respondent Nos. 10 and 11) of Pakridayal Block Panchayat Samati in the district of East Champaran. The voting was not done in that meeting and without voting, the ‘No-Confidence Motion’ was declared to be unsuccessful.

3. The learned counsel for the petitioner has submitted that in the decision of *Dharamsheela Kumari vs. Hemant Kumar, reported in 2021(3) PLJR 346*, the Hon’ble Division Bench of this Court, while answering the issue no. 9, has held that in the absence of the motion being put to vote, the legal bar of moving a fresh motion of no-confidence stipulated under



Section 44(3)(ii) of the Bihar Panchayat Raj Act, 2006 would not be barred.

4. It is an admitted fact that 'No-Confidence Motion' was not put for voting. Accordingly, a fresh motion for no-confidence can be brought.

5. Considering the above-mentioned facts and circumstances, the petitioners may file fresh requisitions to the Pramukh for 'No-Confidence Motion' who shall fix a date for convening a meeting to discuss for 'No-Confidence Motion'.

5. Needless to say that final outcome of the 'No-Confidence Motion' would be subject to final decision of S.L.P. No. 12490 of 2024, pending before the Hon'ble Supreme Court, in which the validity of Dharamsheela's case (supra) has been challenged.

6. This would not prevent the right of the petitioner to bring a fresh requisitions for 'No-Confidence Motion'.

7. With these observations, this writ petition stands dispose of.

(Nawneet Kumar Pandey, J)

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