

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2432 of 2024

1. Santosh Kumar Son of Ramkeshwar Saw Resident of Village-Pankara P.O. Aadarchak, P.S.-Dumariya, District-Gaya, Presently Pramukh of Block Panchayat Samiti, Dumariya, District-Gaya.
2. Palita Devi Wife of Gobind Kumar Resident of Village-Bhangia, P.O. Kewlakala, P.S. Dumariya, District-Gaya, Presently Up-Pramukh of Block Panchayat Samiti, Dumariya, District-Gaya.

... .. 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, Gaya, District-Gaya.
4. The Distirct Panchayat Raj Officer, Gaya, District-Gaya.
5. The Sub-Divisional Officer, Gaya, District-Gaya.
6. The Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, District-Gaya.
7. The Block Panchayat Raj Officer, Dumariya, District-Gaya.
8. Ramchandra Singh Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
9. Nitu Devi Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
10. Sunaina Kumari Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
11. Jitendra Das Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
12. Ajay Kumar Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
13. Mamta Kumari Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
14. Asha Devi Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.



- 15. Lalita Devi Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
- 16. Hasibun Nisha Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
- 17. Arjun Prasad Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
- 18. Upendra Prasad Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
- 19. Ravindra Singh Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
- 20. Pradip Paswan Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.
- 21. Sangita Devi Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti, Dumariya through the Block Development Officer-Cum-Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.S.B.K.Mangalam, Advocate
For the Respondent/s : Mr.Shailesh Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-02-2024 Heard Mr. S.B.K.Mangalam, learned counsel

 appearing on behalf of the petitioners and Mr. Shailesh Kumar,

 learned AC to GP 5 for the State.

2. The petitioners are aggrieved by the order as
contained in Memo No.230 dated 27.01.2024 passed by the



District Magistrate, Gaya, who himself has fixed the date of special meeting of no confidence motion to be convened on 09.02.2024 at 11.00 A.M., which is not in accordance with the provisions of Section 44(3)(i) of Bihar Panchayat Raj Act, 2006.

3. The District Magistrate, Gaya must correct his action and not proceed to fix the date of special meeting, which is contrary to the provisions of Section Section 44(3)(i) of Bihar Panchayat Raj Act, 2006.

4. Considering the provisions of Section 44(3)(i) of Bihar Panchayat Raj Act, 2006, the action of the District Magistrate, Gaya in fixing the date of special meeting of no confidence motion, as contained in Memo No.230 dated 27.01.2024, can not be held to be in accordance with provisions as contained in Section 44(3)(i) of Bihar Panchayat Raj Act, 2006. The same is hereby set aside and quashed.

5. The petitioners are not aware of the contents of the acquisition of charges against them. Since the requisition has been brought on record, the petitioners have knowledge of the charges. They may proceed to fix the date of special meeting of no confidence motion in accordance with the provisions of Section 44(3)(i) of Bihar Panchayat Raj Act, 2006 today itself.



6. If any meeting has taken place today, the same being not in accordance with law will have no effect.

7. The petitioners may also fix a date of meeting today and communicate the same to all the elected members including the Pramukh. In case of failure on his part, the Up-Pramukh may proceed to fix a special date of meeting of no confidence motion by tomorrow or in case, he fails to fix the date of special meeting of no confidence motion, then in that case, the elected members may proceed to fix a date of special meeting of no confidence motion by 11.02.2024.

8. With the above observation/direction, the present writ petition stands disposed of.

9. 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 concerned respondents for the needful.

(Purnendu Singh, J)

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