

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2516 of 2024

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Fula Jahan Begam Wife of Mahfuj Alam, Member Panchayat Samiti
Panchayat, Makimpur, Resident of Mukimpur, Post Office and Police Station-
Garkha, District- Saran. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayat Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The District Panchayat Raj Officer, Saran.
4. The Sub Divisional Officer, Chapra, Saran.
5. The Block Development Officer cum Executive Magistrate Garkha, Saran.
6. Smt. Reni Devi, Wife of Harendra Mahto, Member Panchayat Samiti, Mahamada, Area 6, Resident of Mahamada, Police Station- Garkha, District- Saran.
7. Sunaina Devi Wife of Krishna Singh, Member Panchayat Samiti, Panchayat Mahmadpur, Area-15, Resident of Mahmadpur, Police Station Garkha, District- Saran.
8. Usha Devi Wife of Devnarayan Rai, Member Panchayat Samiti, Panchayat- Motirajpur, Area-1, Resident of Pathra, Post Office- Rasidpdur, Police Station- Garkha, District- Saran.
9. Tasiran Bibi Wife of Niyamat Ali, Member Panchayat Samiti, Panchayat, Motirajpur, Area-2, Resident of Motirajpur, Post Office- Saiyad Sarai, Police Station- Garkha, District- Saran.
10. Rita Devi, Wife of Ranjeet Kumaar Rai, Member Panchayat Samiti, Panchayat Sadhpur, Area- 3, Resident of Sadhpur, Police Station- Garkha, District- Saran.
11. Geeta Devi Wife of Jai Prakash Singh, Member Panchayat Samiti, Panchayat Ferusa, Area-4, Resident of Belbaniyan, Police Station- Garkha, District- Saran.
12. Kaushilya Devi Wife of Pramod Kumar Rai, Member Panchayat Samiti, Panchayat Ferusa, Area-5, Resident of Paharpur, Police Station- Garkha, District-Saran.
13. Loknath Sah Son of Bal Chand Sah, Member Panchayat Samiti, Panchayat Pirauna (Dhaga), Resident of Pwrauna, Police Station- Garkha, District- Saran.
14. Lakshmina Devi Wife of Sainik Rai Member Panchayat Samiti, Panchayat- Perauna, Area-8, Resident of Sarbadih, Post Office- Pirauna, Police Station- Garkha, District- Saran.
15. Asha Devi Wife of Raja at, Member Panchayat Samiti, Panchayat- Sargatti, Area-9, Resident of Aloni, Post Office and Police Station Garkha, District- Saran.
16. Babita Devi, Wife of Anil Ram, Member Panchayat Samiti, Panchayat- Bajitpur, Area-11, Resident of Bajitpur, Police Station- Garkha, District- Saran.
17. Priti Devi Wife of Tunne Prasad, Member Panchayat Samiti, Panchayat- Garkhja, Area-12, Resident of Garkha, Post Office and Police Station- Garkha, District- Saran.



18. Mukesh Kumar Singh Son of Khud Ramjee Singh, Member, Panchayat Samiti, Panchayat- Garkha, Area-13, Resident of Garkha, Post Office and Police Station- Garkha, District- Saran.
19. Babita Devi, Wife of Dulaar Chand Kumar Mahto, Member Panchayat Samiti, Panchayat- Tuithepur, Area-14, Resident of Thithepur, Post Office and Police Station- Garkha, District- Saran.
20. Bablu Kumar Rai Son of Rajendra Rai, Member Panchayat Samiti, Panchayat- Mahamadpur, Area-16, Resident of Muhammadpur, Police Station- Garkha, District- Saran.
21. Dharmendra Rai Son of Jai Mangal Rai, Member Panchayat Samiti, Panchayat- Hasanpura, Area-17, Resident of Kucha, Police Station- Garkha, District- Saran.
22. Mamta Kumari Wife of Santosh Kumar Singh, Member, Panchayat Samiti, Panchayat Hasanpura, Area-18, Resident of Pindari, Post Office Gopur, Police Station- Garkha, District- Saran.
23. Nili Devi Wife of Rajesh Kumar Singh, Member Panchayat Samiti, Panchayat- Mirpur Zuara, Area- 19, Resident of Mirpur Juara, Police Station- Awatarnagar, District- Saran.
24. Kanti Devi Wife of Satyadev Kumar Singh, Member Panchayat Samiti, Panchayat- Kothiya, Area-20, Resident of Mirpur Zuara, Police Station- Awatarnagar, District- Saran.
25. Abhay Kumar Singh Son of Ugarsen Singh, Member Panchayat Samiti, Panchayat- Kothiya, Area 21, Resident of Madanpur, Police Station- Awatarnagar, District- Saran.
26. Savita Devi Wife of Jitendra Bhagat, Member Panchayat Samiti, Panchayat- Rampur, Area 22, Resident of Rampur, Police Station- Garkha, District- Saran.
27. Kiran Devi Wife of Ajay Singh, Member Panchayat Samiti, Panchayat- Itawan, Area- 23, Resident of Baikunthpur, Post Office- Rahmanpur, Police Station- Garkha, District- Saran.
28. Jai Prakash Prasad Son of Narsimha Mahto, Member Panchayat Samiti, Panchayat- Itawan, Area 24, Resident of Rahampur, Police Station- Garkha, District- Saran.
29. Surendra Manjhi Son of Shatrudhan Manjhi, Member Panchayat Samiti, Panchayat- Kudarbhada, Area- 25, Resident of Kudarbhada, Police Station Garkha, District- Saran.
30. Ajeet Kumar Son of Arjun Prasad Yadav, Member Panchayat Samiti, Panchayat- Jalal Basant, Area- 26, Resident of Mohrampur, Police Station- Garkha, District- Saran.
31. Jai Prakash Ram Son of Ram Pravesh Ram, Member Panchayat Samiti, Panchayat- Jalal Basant, Area- 27. Resident of Jalal Basant, Post Office Basant, Police Station- Garkha, District- Saran.
32. Akhilesh Kumar Patel Son of Shatruhan Singh, Member Panchayat Samiti, Panchayat- Shripal Basant. Area- 28, Resident of Shripal Basant, Post Office- Basant, Police Station- Garkha, District- Saran.
33. Deepak Kumar Son of Jai Nandan Rai, Member Panchayat Samiti,



- Panchayat- Shripal Basant,Area- 29, Resident of Bhuigoun, Police Station- Garkha, District- Saran.
34. Rajesh Kumar Manjhi Son of Arjun Manjhi, Member Panchayat Samiti, Panchayat- Miorzapur, Area- 31, Resident of Manohar, Police Station- Garkha, District- Saran.
35. Rakesh Kumar Son of Shiv Narayan Rai, Member Panchayat Samiti, Panchayat- Panchpatiya, Area- 32, Resident of Chota Jhoua, Police Station- Awatarnagar, District- Saran.
36. Sanjeet Kumar Son of Shri Maheshwar Singh, Member Panchayat Samiti, Panchayat- Panchpatiya, Area- 33, Resident of Devariya, Police Station- Awatarnagar, District- Saran.
37. Chandravati Devi Member Panchayat Samiti, Panchayat- Naraoo, Area- 34, Resident of Naraoo, Police Station- Awatarnagar, District- Saran.
38. Sangeeta Devi Wife of Jalandhar Thakur, Member Panchayat Samiti, Panchayat- Mauzampur, Area- 35, Resident of Mauzampur, Police Station- Awatarnagar, District- Saran.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv.
For the Respondent/s : Mr.Addl. Advocate General 4

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 19-08-2024 Heard the parties.

2. This writ application has been preferred for the following reliefs:-

(i) To directed the Respondents No. 4 to conduct the further meeting which was convened on 10.01.2024 on the basis of requisition made by the requisitionists and was simply dropped without caste voting amongst the elected members those attained the meeting of no confidence which brought with following the mandatory provision of section 44(3) (i) and of the Bihar Panchayat Raj Act with violation of Section 46(5)(6) of the said Act.

(ii) To directed the Presiding Officer to hold the meeting and declare the result accordance with the and law laid down by the division Bench of this Court in case of



Dharamshila Kumari v/s Hemant Kumar and others particularly applied by the clarification made in Paragraph No. 58 and 59 of the Judgement amongst the elected members present in the meeting.

(iii) To quash the entire proceeding of special meeting which was convened on 10.01.2024 convened by the Respondent No. 6 and he fails to attend the meeting and without caste the voting amongst the elected members including the requisitionist who have participated in the meeting and without finalisation of conclusion the meeting.

(iv) To directed the Presiding Officer who convene the Special meeting on the date fixed must abide by the clarification made in Paragraph No. 58 and 59 of L.P.A. No. 113 of 2018 Dharamshila Kumari Versus Hemant Kumar and to proceed to announce the result on the basis of members who participates in the said meeting with complying the Section 46(5) of the said Act.

(v) For other relief/reliefs for which the petitioner entitled for the same.

3. The matter relates to Garkha Panchayat in the District of Saran where pursuant to the requisition made on 10.01.2024, a special meeting took place to discuss 'No Confidence Motion' against the 'Pramukh/Up-Pramukh'. Out of 35 elected members, 13 members presented themselves. However, after recording that since 35 elected members are there in the Panchayat, the minimum quorum of 18 members is/are required and in absence of that, the 'Motion' is declared defeated.



4. Learned counsel for the petitioner, at this stage, submits that he will be exploring the option under the ‘**Bihar Panchayat Raj Act, 2006**, as also the judgment rendered in the case of ‘**Dharamshila Kumari v. Heman Kumar & Ors**’ passed in **LPA No. 113 of 2020**.

5. At this stage, learned counsel who has *suo motu* appeared for respondent no.6 submits that earlier the petitioner with the same prayer had moved with **CWJC No. 1355 of 2024 (Fula Jahan Begam v. The State of Bihar & Ors)** and withdrew the same and, as such, he cannot seek further direction in the matter (Annexure-1 to the writ petition).

6. In view of the position that has been pointed out by learned counsel appearing for respondent no.6, this Court refrains from making any comment on the merits of the writ petition in view of the fact that the petitioner earlier withdrew the writ petition.

7. The writ petition, accordingly, stands disposed of.

(Rajiv Roy, J)

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