

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2881 of 2024

Priyanka Singh Wife of Dheeraj Kumar Singh, Resident of Vill and PO Satasi,
District Saran, Bihar 841411, Presently Up Adhyaksh of Saran Zila Parishad,
District Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Government of Bihar, Patna.
2. State Election Commission, Bihar, Patna through its secretary, 3rd floor, Sone Bhawan, Veer Chand Patel Path, Patna.
3. District Magistrate cum District Election Officer (Panchayat), Saran at Chapra.
4. Deputy Development Commissioner, Saran at Chapra cum Executive Officer, Saran Zila Parishad, District Saran at Chapra.
5. Jaimitra Devi Wife of Amar Rai, Resident of vill Jaitiabajitpur, PO Mehrauli, District Saran at Chapra, currently Adhyaksh, Saran Zila Parishad, District-Saran at Chapra.
6. Akhtar Hussain Son of Late Shafik Ahmed, presently member from territorial constituency no.1, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
7. Tuntun Singh Son of Surendra Singh, presently member from territorial constituency no. 2, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
8. Nusrat Praveen, wife of Parvej Akhtar, presently member from territorial constituency no. 3, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
9. Ruchi Priya Devi, wife of Manoranjan Thakur, presently member from territorial constituency no. 4, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
10. Geetu Singh, wife of Vrijendra Kumar, presently member from territorial constituency no. 5, Saran Zila Parishad, District Saran at Chapra.
11. Indu Devi, wife of Shiv Shankar Singh, presently member from territorial constituency no. 6, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
12. Anil Kumar Singh, son of Parshuram Singh, presently member from territorial constituency no. 7, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
13. Ramavati Singh, wife of Pankaj Singh, presently member from territorial



- constituency no. 8, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
14. Goldi Kumari, wife of Aashutosh Tiwari, presently member from territorial constituency no. 9, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 15. Kanti Devi, wife of Jaglal Yadav, presently member from territorial constituency no. 10, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 16. Raghuvansh Singh, son of Shri Krishna Singh, presently member from territorial constituency no. 1, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 17. Bandana Kumari, wife of Shailesh Kumar, presently member from territorial constituency no. 12, Saran Zila Parishad, District Saran at Chapra.
 18. Guddu Shah son of Late Ram Prasad Shah, presently member from territorial constituency no. 13, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 19. Rambha Kumari, wife of Laxman Ram, presently member from territorial constituency no. 14, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 20. Prem Kumar Ranjan, son of Gautam Rai, presently member from territorial constituency no. 15, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 21. Abhay Tarkeshwar Ram, son of Bundela Ram, presently member from territorial constituency no. 17, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 22. Kiran Devi, wife of Late Sanjay Shah, presently member from territorial constituency no. 18, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 23. Anita Navin, wife of Navin Kumar Singh @ Abhay Singh, presently member from territorial constituency no. 19, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 24. Anand Kumar Rai, son of Ram Pravesh Rai, presently member from territorial constituency no. 20, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 25. Meena Arun wife of Arun Singh, presently member from territorial constituency no. 21, Saran Zila Parishad, District Saran at Chapra. elected



- member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
26. Md. Illiyas Ansari, son of Md. Kaisar Ansari, presently member from territorial constituency no. 22, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 27. Hari Shankar Singh, son of Sidhar Singh, presently member from territorial constituency no. 23, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 28. Aasha Gupta, wife of Shri Bhagwan Gupta, presently member from territorial constituency no. 24, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 29. Chhavinath Singh, son of Ram Ji Singh, presently member from territorial constituency no. 25, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 30. Urmila Devi, wife of Avadh Lal Gupta, presently member from territorial constituency no. 27, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 31. Chandani Devi, wife of Ashok Singh, presently member from territorial constituency no. 28, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 32. Harivansh Rai, son of Rajendra Rai, presently member from territorial constituency no. 29, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 33. Ratnesh Kumar Bhagat, son of Sudama Bhagat, presently member from territorial constituency no. 30, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 34. Sunita Singh, wife of Sanjay Kumar Singh, presently member from territorial constituency no. 31, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 35. Aalok Rai, son of Rajeshwar Rai, presently member from territorial constituency no. 32, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 36. Usha Devi, wife of Sunil Kumar, presently member from territorial constituency no. 33, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 37. Mukesh Kumar Ram son of Rajdev Ram, presently member from territorial



- constituency no. 34, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
38. Sneha Singh, wife of Amit Kumar Singh, presently member from territorial constituency no. 35, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 39. Vinod Rai, son of Chandeshwar Rai, presently member from territorial constituency no. 36, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 40. Aasha Kumari, wife of Manohar Ram, presently member from territorial constituency no. 37, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 41. Neetu Rai, wife of Raj Kishore Rai, presently member from territorial constituency no. 38, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 42. Ramavati Devi, wife of Ajay Kumar Singh, presently member from territorial constituency no. 39, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 43. Priti Raj, wife of Piyush Raj, presently member from territorial constituency no. 40, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 44. Karunesh Kumar Singh, son of Virendra Singh, presently member from territorial constituency no. 41, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 45. Jafar Ikbal, son of Idrish Ansari, presently member from territorial constituency no. 42, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 46. Golok Bihari Sharan Singh, son of Surendra Mohan Singh, presently member from territorial constituency no. 43, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 47. Chinta Devi, wife of Suman Kumar, presently member from territorial constituency no. 44, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
 48. Vibha Devi, wife of Ashok Kumar Yadav, presently member from territorial constituency no. 45, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.



49. Richa Rai, wife of Shiv Shankar Mandal, presently member from territorial constituency no. 46, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.
50. Sunil Kumar Rai, son of Rameshwar Rai, presently member from territorial constituency no. 47, Saran Zila Parishad, District Saran at Chapra. elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District-Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kumar Singh, Advocate Ms. Nikita Mittal, Advocate
For S.E.C.	:	Mr. Ravi Ranjan, Advocate Mr. Girish Pandey, Advocate
For the State	:	Mr. Hitesh Suman, Advocate

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT**

Date : 16-02-2024

Heard Mr. Bindhyachal Singh, learned senior counsel assisted by Mr. Vipin Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Ravi Ranjan, learned counsel appearing on behalf of the State Election Commission and Mr. Hitesh Suman, learned counsel for the State.

2. Learned counsel appearing on behalf of the petitioner submits that matter requires to be adjudicated by the District Magistrate-cum-District Election Officer (Panchayat), Saran at Chapra, in exercise of power under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the ‘Act’).

4. Considering the limited relief(s) as sought for by the petitioner, the District Magistrate-cum-District Election



Officer (Panchayat), Saran at Chapra,, is directed to call for the records relating to the Zila Parishad concerned and seek the attendance of Adhyaksh, Up-adhyaksh and all the members of the Zila Parishad within two days and seek their signature in his own presence and thereafter, he may fix a date for providing opportunity of hearing to the affected parties and decide the matter considering that there is violation of procedure prescribed under Section 70 (4) (ii) of the Bihar Panchayat Raj Act, 2006 and in case he finds that the same requires interference in manner the calling of 'No Confidence Motion', on 19.02.2024, then in that case, the District Magistrate after providing opportunity of hearing to all the affected parties may pass a speaking order strictly in accordance with law within one week from the date of attendance filed by all the members. Thereafter, may direct for holding of special meeting of 'No Confidence Motion' to be duly convened in accordance with the provision of Section 70 (4) (ii) of the Act, 2006. The District Magistrate is directed to follow the clarification made by the Division Bench of this Court in ***L.P.A. No. 113 of 2020 (Dharamsila Kumari vs. Hemant Kumar & Ors.)*** specially in paragraphs no. 58 and 59 of the said judgment for conducting voting amongst the elected members by the Presiding Officer,



who are found to be present on the date fixed for special meeting of ‘No Confidence Motion’ in accordance with the provision of Section Section 70 of the Act, 2006.

5. In case of failure by any of the member, the District Magistrate must resort to first enquire, as to whether, he has deliberately avoided to appear before him is for any genuine cause. If it is deliberate, the District Magistrate must ensure to take appropriate action in accordance with law against the concerned member of Zila Parishad.

6. Accordingly, the present writ petition is disposed of.

7. Since the order has been passed in the open Court, learned counsel for the State is directed to communicate this order to all the state respondents for the needful without waiting for the order to be pronounced.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	16.02.2024
Transmission Date	N/A

