

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3591 of 2024**

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Ramesh Kumar Chaurasia son of Ramkhelavan Prasad Chaurasia, Resident of Mohalla-Veer Kuwar Singh Colony, Hajipur, P.O. and P.S.-Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

1. 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, Vaishali at Hajipur, District-Vaishali at Hajipur.
4. The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Vaishali, District-Vaishali at Hajipur.
5. The State Election Commission through the Secretary, 3rd Floor, Sone Bhawan, Patna.
6. Smt. Sundar Mala Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
7. Anita Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
8. Mukesh Paswan, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
9. Gunja Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
10. Prabhu Shah son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
11. Deonandan Sahani, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
12. Reena Ragini, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
13. Bibha Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-



Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.

14. Rita Singh, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
15. Vidya Rai, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
16. Lalmuni Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
17. Mohit Paswan, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
18. Upendra Kumar Rai, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
19. Mahindra Nath Singh, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
20. Raj Karan Ram, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
21. Pradeep Rai, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
22. Nemdhari Rai, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
23. Nagendra Chaudhary, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
24. Deepak Kumar, Son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
25. Babita Narayan wife of not known to the petitioner, elected member of Zila



- Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
26. Kumari Kalawati Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  27. Manju Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  28. Vinod Kumar, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  29. Anila Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  30. Rinki Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  31. Ruby Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  32. Manoj Kumar, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  33. Manoj Kumar Yadav, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  34. Nidhi Jha, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  35. Khushboo Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
  36. Ramsagar Sahani, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.



- 37. Shabnam son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 38. Rambaboo Chaudhary, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 39. Reena Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 40. Manish Kumar Shukla, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 41. Reena Devi, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 42. Priyanka Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 43. Pinki Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 44. Aashutosh Dipu son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.
- 45. Engineer Niraj Kumar, son of not known to the petitioner, elected member of Zila Parishad, Vaishali through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali P.O. and P.S. Hajipur, District-Vaishali at Hajipur.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------------------|
| For the Petitioner/s | : | Mr.Awnish Kumar, Advocate                 |
| For the State        | : | Mr. Asif Kalim, AC to AAG-12              |
| For respondent no.4  | : | Mr. Shrinandan Prasad Singh, Sr. Advocate |
|                      |   | Mr. Kumar Sameer, Advocate                |
|                      |   | Mr. S.P. Singh, Advocate                  |
| For SEC              | : | Mr. Ravi Ranjan, Advocate                 |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**



ORAL ORDER

3      19-08-2024                      Heard Mr. S.B.K. Mangalam, learned counsel for the petitioner as also Mr. Ravi Ranjan representing the State Election Commission.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the requisition dated Nil signed by 22 elected members of Vaishali Zila Parishad and addressed to the petitioner but it has not served to the petitioner even till date but directly submitted in the office of the Zila Parishad desiring the fixation of date of special meeting of Zila Parishad for consideration of No-Confidence motion against the petitioner for his removal from the post of Chairman of Vaishali Zila Parishad Motion against the petitioner;*

*(ii) for issuance of an appropriate writ in the nature of CERTIORARI*



*for quashing the notice dated 11.01.2024 issued under the signature of the Respondent no.4 and contained in his letter no.1665 dated 11.01.2024 whereby and where under the Respondent no.4 has been pleased to request the elected members of Zila Parishad Vaishali to attend the special meeting of Zila Parishad convened on 25.01.2024 for consideration of No Confidence Motion against the petitioner on the ground that the impugned notice issued by the Respondent no.4 on the basis of date of the meeting fixed on requisition which is not served in according to the prescribed procedure but in complete violation of and without complying the mandatory provisions contained under as contained under Sec.*



*70(4)(i) of the Bihar Panchayat Raj Act, 2006;*

*(iii) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 01.02.2024 passed by the Respondent no.3 and contained in his memo no.263 dated 01.02.2024 which was made available to the petitioner by the Respondent no.4 vide his letter no.1724 dated 02.02.2024 on the ground that the said order has been passed by the Respondent no.3 by not only overlooking the mandatory provisions contained under section 70(4)(i) but also without considering the explanation filed by the petitioner on 30.01.2024;*

*(iv) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the resolution passed*



*and decision taken therein in the meeting of the Zila Parishad Vaishali which was held on 25.01.2024 in which the No-Confidence motion against the petitioner was passed on the ground that the said meeting was held pursuant to the date of meeting fixed on the requisition which was not served upon the petitioner as per the requirement of the Section 70(4)(1) of the Bihar Panchayat Raj Act,2006 and the petitioner may be reinstated to his which he was holding before the meeting of the Zila Parishad i.e. before 25.01.2024;*

*(v) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter no.474 dated 09.02.2024 issued by the Respondent no.5 fixing/notifying*



*the date of election for the post of Adhyaksha of Zila Parishad Vaishali on the ground that the said vacancy arises in the office of the Zila Parishad because of illegal removal of the petitioner from the post of Adhyaksha of the Zila Parishad Vaishali;*

*(vi) for issuance of any other appropriate Writ/Writs. order/orders, Direction/Directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.*

3. It is the case of the petitioner that though pursuant to the special meeting that was called for to discuss 'No Confidence Motion' against him who was Chairman of the Zila Parishad, Vaishali at Hajipur. The coordinate bench on 25.01.2024, passed an order directing the District Magistrate, Vaishali at Hajipur to look into the matter and take a decision by 05.02.2024 (Annexure-P/4) (**Ramesh Kumar Chaurasiya vs. State of Bihar in C.W.J.C. No. 1500 of 2024**) as the special



meeting was taking place on that very day, the 'No Confidence Motion' was passed in view of the fact that out of 25 elected members who appeared in the meeting, all voted in favour of the motion.

4. He submits that subsequently, the District Magistrate, Vaishali at Hajipur vide memo no. 263 dated 01.02.2024 (Annexure-P/6) justified the development that took place. Subsequently, video of the alleged meeting went viral which he has brought on record by way of an I.A. No. 01 of 2024 to show that elected members were showing ballot papers before putting it in the box. He submits that as such the entire process was vitiated and the State Election Commission has to has to interfere in the matter.

5. Mr. Ravi Ranjan, learned counsel for the State Election Commission submits that a viral video/photo cannot determine that the paper which was flashed was the ballot paper inasmuch as it is very much doubtful whether it is ballot paper or something else and that can be ascertained only after through enquiry by an appropriate authority.

6. This Court finds force in the submissions put forward by Mr. Ravi Ranjan. If the petitioner is confirmed that what he has taken note of and has become viral, he should have



approached the Forensic Science Laboratory, Muzaffarpur and/or Patna with all the supportive document/videos/photos alongwith requisite fee so that a stamp is put on his mere suspicion. In absence of that, this Court is afraid of passing any order.

7. The writ petition accordingly stands disposed of granting liberty to the petitioner to approach any appropriate authority he deems fit and proper for redressal of his grievance.

8. Learned counsel for the petitioner submits that he will be approaching the concerned authority in next two weeks. In case, he approaches the authority, it is expected that the concerned authority shall take up the matter expeditiously.

**(Rajiv Roy, J)**

Ravi/-

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