

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4036 of 2024

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Anita Devi W/o Dhanji Noniya, Resident of village - JagdatPur, P.O.- Kanaithi, P.S.- Kargahar, District Rohtas, Ex-Pramukh of Block Panchayat Samiti Kargahar, District- Rohtas at Sasaram.

... .. 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, Nawada, District- Rohtas at Sasaram.
4. The Sub-Divisional Officer, Sasaram Sadar sub-division District- Rohtas at Sasaram.
5. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Kargahar, District- Rohtas at Sasaram.
6. The State Election Commission (Panchayat), Bihar Patna through the Secretary.
7. Dharamshela Devi, W/o Ajay Kumar Singh, Presently Up- Pramukh of Block Panchayat Samiti, Kargahar, the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti Kargahar.
8. Rinki Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti Kargahar.
9. Kunjan Kumar, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
10. Arvind Kumar, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
11. Krishna Avtar Gupta, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti Kargahar.
12. Ramta Singh, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
13. Ramesh Kumar Ram, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti Kargahar.
14. Ritesh Kumar, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
15. Pushpa Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.



16. Rinku Kumari, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
17. Jyoti Kumari, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
18. Rambha Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
19. Sunita Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
20. Chinta Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
21. Indu Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti Kargahar.
22. Jamila Khatoon, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
23. Guriya Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
24. Masoom Alam, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
25. Durga Shankar Rai, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti Kargahar.
26. Sunil Choubey, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
27. Durgesh Kumar Ojha, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti Kargahar.
28. Ajay Kumar, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
29. Binda Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
30. Urparmila Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.



31. Sunaina Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
32. Munna Ram, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.
33. Nishant Tiwari, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Kargahar through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti Kargahar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate
	:	Mr. Awnish Kumar, Advocate
For the State	:	Mr. Kinkar Kumar
For SEC	:	Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-09-2024 Heard Mr. S.B.K. Mangalam learned counsel for the petitioner, Mr. Kinkar Kumar is representing the State and Mr. Ravi Ranjan is representing the State Election Commission as also Mr. Vijay Shankar Choubey is representing the respondent nos.9 & 10.

2. The present writ petition has been filed for the grant of following relief:-

I. For issuance of an appropriate writ in the nature of CERTIORARI for quashing the proceedings of the sspecial meeting dated 22.01.2024 of Block Panchayat Samiti Kargahar convened for consideration of no- confidence motion against the petitioner on the ground that the proceedings of the said special meeting was not conducted according to the provisions contained under section 44 (3) (i) and 44 (3) (iv)



of the Gram Panchayat Act, 2006.

II. For issuance of an appropriate writ in the nature of CERTIORARI for quashing the resolution of no- confidence passed in the special meeting dated 22.01.2024 where by the resolution of no-confidence was passed against the petitioner and she was removed from the post of pramukh.

III. 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. Mr. Ravi Ranjan, learned counsel for the State Election Commission submits that lots of water has fallen down the Ganges subsequently election took place on 21.02.2022 and subsequently respondent nos. 8 & 9 have been elected as ‘Pramukh’ and ‘Up-Pramukh’ respectively.

4. In that background, learned counsel for the petitioner submits that he may be granted liberty to approach with appropriate petition.

5. That liberty is always there, the writ petition stands disposed of.

(Rajiv Roy, J)

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