

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3684 of 2024

Neelam Devi Wife of Dharmendra Kumar Singh, Resident of Village-Kainoliya, Mahua, District- Banka.

... .. 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, Bihar.
3. The District Magistrate, Banka, District - Banka.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka.
5. Sunil Kumar @ Sunila Kumar Singh, Son of Late Uchit Mandal, presently Adhyaksha, Banka Zila Parishad, P.O., P.S. and District- Banka.
6. Mukesh Kumar Singh Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
7. Bibha Bharti, wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
8. Kajal Bharti, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
9. Kalpana Kumari, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
10. Mona Devi, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
11. Pratim Kumar Sah, Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
12. Pooja Kumari, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
13. Sujata Vaidya, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
14. Suman Paswan, Wife of not known to petitioner, The member of Zila



- Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
15. Md. Rafique Alam, Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 16. Baljeet Singh, Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 17. Soni Singh, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 18. Simpall Devi, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 19. Manoj Singh, Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 20. Bishwajeet Deepankar, Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 21. Rajendra Yadav, Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 22. Priti Singh, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 23. Anuj Kumari, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 24. Sharda Devi, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 25. Anjana Devi, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 26. Gayatri Devi, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
 27. Drishti Kumari, Wife of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District -



Banka.

28. Amar Kumar Hembrum, Son of not known to petitioner, The member of Zila Parishad, Banka, through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Banka, P.O., P.S. and District - Banka.
29. The State Election Commission Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanchit Singh, Advocate
For the Respondent/s : Mr. Rakesh Prabhat-21

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-08-2024 Heard Mr. Sanchit Singh, learned counsel for the
petitioner and the State.

2. The petitioner has prayed for the following
reliefs:

*(i) for the issuance of in nature of
a certiorari or any other
appropriate writ for quashing the
part of the proceeding of the
meeting of the Zila Parishad,
Banka under the chairmanship of
District Magistrate on
24/01/2024 to consider the
proposal of no confidence against
the petitioner as Upadhyaksha of
Zila Parishad, Bnaka pursuant to*



illegal requisition and notice dated 04/01/2024 and 11/01/2024 respectively whereby no confidence motion against the petitioner is passed;

(ii) for holding that the whole proceeding of the aforesaid meeting of Zila Parishad, Banka dated 24/01/2024 is not only illegal and unsustainable being violative of statutory provisions but also amounts to contempt of court for violation of the order dated 22/01/2024 passed by the Hon'ble Mr. Justice Purnendu Singh in writ application bearing CWJC No. 1305 of 2024 preferred by the Sunil Kumar Singh, Adhyaksha of the Zila Parishad, Banka against the same requisition letter and notice dated 04/01/2024 and



11/01/2024 respectively and the proceeding of the said meeting scheduled to held on 24/01/2024 has been suspended by the Hon'ble High Court;

(iii) for holding that the resolution of no confidence passed against the petitioner in the meeting dated 24/01/2024 of Zila Parishad, Banka is illegal and unsustainable as neither the requisition dated 04/01/2024 nor the notice dated 11/01/2024 nor the meeting dated 24/01/2024 and consequent resolution pussed in the meeting are in accordance with the mandate statutory provisions;

(iv) 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 earlier requisition was made for special meeting to discuss 'No Confidence Motion' against both the Chairman as also the Deputy Chairperson (petitioner herein) relating to Banka Zila Parishad and the date for convening the meeting was fixed as 24.01.2024.

4. The **Chairman, Sunil Kumar** approached this Court in **C.W.J.C. No. 1305 of 2024** and a coordinate bench on 22.01.2024 allowed him to take recourse to alternative remedy by approaching the District Magistrate, Banka **under section 157** of the **Bihar Panchayat Raj Act, 2006** (henceforth for short 'the Act') and till a decision is taken, the meeting on 24.01.2024 was directed to be suspended (Annexure-P/4 to the petition).

5. It is the case of the petitioner that despite the said order, on 24.01.2024, the respondent held special meeting so far as this petitioner (Chairperson) is concerned and after the charges were discussed, the same was put to motion and out of 16 members present, 15 voted for the



motion while one against it. As such, the same was declared having passed and communicated vide memo no. 95 dated 24.01.2024 issued by the respondent Chief Executive Officer, Zila Parishad, Banka (Annexure-P/5 to the petition).

6. Learned counsel for the petitioner submits that the same needs interference inasmuch as the order of the learned Single Judge of Patna High Court was violated.

7. Learned State Counsel on the other hand submits that only the Chairman approached this Court and he was allowed to take recourse to alternate remedy to approach the District Magistrate, Banka under section 157 of 'the Act'. He submits that there is nothing on record to show that the petitioner either approached this Court and/or pursuant to the direction of the learned Single Judge of Patna High Court, she ever approached the District Magistrate, Banka under section 157 of 'the Act'.

8. He submits that in that background, when neither the petitioner approached the High Court nor the District Magistrate, Banka, the respondents were duty bound to carry on the special meeting so far as the petitioner is concerned. He submits that after the charges were read and discussed, voting took place in which majority of them voted



for the motion and she was removed. It is further submission that subsequently, the election took place on 05.03.2024 and the respondent no.17, Soni Singh has been declared elected as the Chairperson of the Banka, Zila Parishad. He as such submits that lots of water has flown down the Ganges and the petition is fit to be dismissed.

9. Having gone through the facts of the case, the materials on record as also after hearing the parties, this Court finds force in the submissions put forward by the learned State Counsel. It is not the case of the petitioner that she ever was aggrieved by the calling of the special meeting. She neither approached Patna High Court nor there was any petition of her was pending before the District Magistrate, Banka under section 157 of 'the Act'.

10. In that background, though an order was passed so far as the Chairperson, Sunil Kumar is concerned, there was no bar before the respondents in going with the special meeting against the Chairperson (the petitioner herein).

11. The subsequent meeting which took place on 24.01.2024 was followed by the charges discussed, voting took place and the 'No Confidence Motion' having been



passed against the petitioner, subsequently, an election took place whereafter the new Chairperson occupied the chair, in that background, no relief can be extended to her.

12. The petitioner being the ex Deputy Chairperson of the Banka Zila Parishad for two long years, she can give her valuable suggestion to the new incumbent so that the ultimate purpose for which Zila Parishad, Banka has been constituted to serve the people is taken care of.

13. The writ petition is dismissed.

14. Before parting, this Court would like to put on record its word of appreciation for Mr. Sanchit Singh, learned counsel for the petitioner who rendered valuable assistance in the matter.

(Rajiv Roy, J)

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