

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.287 of 2024

In
Civil Writ Jurisdiction Case No.669 of 2024

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Vimal Kumar Singh S/o Sri Arun Kumar Singh, Resident of Village Sikariya,
P.O. - Paharpur, P.S. Garhani, District - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Panchayat Raj, Bihar at Patna.
2. The District Magistrate Cum District Election Officer, Bhojpur at Arah.
3. The Sub-Divisional Officer, Arah Sadar.
4. The District Panchayat Raj Officer, Bhojpur at Arah.
5. The Block Development Officer cum Executive Officer, Garhani Block Under District - Bhojpur.
6. Sugwanti Devi, Wife of Radheshyam Resident of Village and P.O. - Ichari, P.S. - Aaya, District - Bhojpur at present Ex Member of Panchayat Samiti Block Garhani, District - Bhojpur.
7. Smt Prem Kumari Devi Wife of Munna Sharma, Resident of Village - Padriya P.O. - Garhani, P.S. - Charpokhari, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhay Kumar, Advocate
For the State	:	Mr. Ajay Kumar, Advocate
For Respondent No. 6	:	Mr. Gopal Govind Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-04-2024

The appellant is aggrieved by the fact that the Respondent Nos. 6 and 7, who have not withdrawn their resignation within the stipulated seven days, have moved a No Confidence Motion.



2. Learned counsel for the appellant submits that the District Magistrate had constituted a Committee to look into the genuineness of the claim and found that the signatures of the Respondent Nos. 6 and 7 were fake. It is the submission of the learned Counsel for the appellant that the District Magistrate or the Committee constituted is not competent to look into the signatures. It is prayed that the signatures may be examined by a Handwriting Expert.

3. At the first instance itself, the Respondent Nos. 6 and 7 disputed the claim of resignation. According to them, they had never signed a resignation letter. The requisition of No Confidence Motion is itself said to be made on 04.01.2024 while the resignations are said to be on 18.12.2023 and 19.12.2023. This itself would stand against the plea of the appellant that the Respondent Nos. 6 and 7 have resigned prior to the requisition being made. If the Respondent Nos. 6 and 7 resigned on 18.12.2023 and 19.12.2023 as alleged, they would definitely have not moved a requisition of 'No Confidence'.

4. As rightly pointed out by the learned Single Judge, the No Confidence Motion had to be considered especially since the genuineness of the resignation letters were doubted by the District Magistrate and the Respondent Nos. 6 and 7 who were



said to have filed such resignations had denied the same.

5. It is also submitted that on 28.03.2024 the No Confidence Motion was carried in the Panchayat Samiti, with a majority.

6. We find no reason to interfere with the judgment of the learned Single Judge and dismiss the Letters Patent Appeal.

7. Interlocutory Application(s), if any, shall stand closed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

P.K.P./-

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CAV DATE	
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