

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8523 of 2024

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Sneha Singh wife of Amit Kumar Singh, resident of Narayanpur, P.O.- Patti Shital, District Saran at Chapra, Presently member from territorial constituency no.- 35, Saran Zila Parishad, District Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Department, 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, P.O.- Mehrauli, District Saran at Chapra, presently Adhyaksh, Saran Zila Parishad, District- Saran at Chapra.
6. Priyanka Singh, Wife of Dheeraj Kumar Singh, Resident of Vill. and P.O.- Satasi, District Saran, Bihar- 841411, Up-Adhyaksh of Saran Zila Parishad, District Saran, elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District- Saran at Chhapra.
7. 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 Chhapra.
8. Tuntun Singh, Son of Surendra Singh, presently member from territorial constituency no.- 2, Saran Zila Parishad, District Suran at Chapra, elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District- Saran at Chhapra.
9. Nusrat Praveen, wife of Parvej Akhtar, presently member from territorial constituency no.- 3, Sarun Zila Parishad, District Saran at Chapra, elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District- Saran at Chhapra.
10. 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 Chhapra.
11. Geetu Singh, wife of Vrijendra kumar, presently member from territorial constituency no.- 5, Saran Zila Parishad, District Saran at Chapra, elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District- Saran at Chhapra.
12. 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 Chhapra.

13. 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 Chhapra.
14. 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 Chhapra.
15. 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 Chhapra.
16. 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 Chhapra.
17. Raghuvansh Singh, Son of Shri Krishna Singh Bhagwan 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 Chhapra.
18. Bandana Kumari, wife of Shailesh Kumar, presently member from territorial constituency no.-12, Saran Zila Parishad, District Saran at Chapra, elected member of Saran Zila Parishad through Executive Officer, Saran Zila Parishad, District- Saran at Chhapra.
19. 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 Chhapra.
20. 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 Chhapra.
21. 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 Chhapra.
22. 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 Chhapra.
23. 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 Chhapra.
24. 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 Chhapra.
25. 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 Chhapra.
 26. 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 Chhapra.
 27. 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 Chhapra.
 28. 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 Chhapra.
 29. 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 Chhapra.
 30. 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 Chhapra.
 31. 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 Chhapra.
 32. 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 Chhapra.
 33. 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 Chhapra.
 34. 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 Chhapra.
 35. 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 Chhapra.
 36. 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 Chhapra.
37. 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 Chhapra.
38. 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 Chhapra.
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 Chhapra.
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 Chhapra.
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 Chhapra.
42. Ramavati Devi, wife of Ajay Kumar Manjhi, 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 Chhapra.
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 Chhapra.
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 Chhapra.
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 Chhapra.
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 Chhapra.
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 Chhapra.



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 Chhapra.
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 Chhapra.
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 Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Ranjeet Choubey, Advocate Mr. Kamaresh Singh, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Arya Achint, AC to AAG-13
For the SEC	:	Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2024 Heard Mr. Amit Shrivastava, learned Senior Counsel

for the petitioner as also the State and Mr. Ravi Ranjan, learned

counsel representing the State Election Commission.

2. The present petition has been preferred for the grant
of following reliefs:

(i) for issuance of an appropriate writ in the nature of certiorari or any other similar writ in similar nature for quashing the notice contained under letter no. 08 dated 05/01/2024, issued under the signature of respondent no. 4 whereby and where under notices have been issued to all elected members including the writ petitioner



informing them about special meeting scheduled on 15-01-2024 at 11:00 a.m. for consideration of no confidence motion against the Adayksh of Saran Zila Parishad on the ground that the said notice was nothing but fraud resorted to respondent no.5 in order to defeat the provision of no confidence motion as stipulated in section 70(4)(iv) of the Bihar Panchayat raj act, 2006(for sake of brevity herein after to be referred as the Act, 2006);

(ii) for issuance of an appropriate writ in the nature of certiorari or any other similar writ in similar nature for quashing the proceeding of the special meeting dated 15/01/2024, convened for consideration of no confidence motion against the respondent no.5 but was dropped on account of presence of only six number of elected members of the zila parishad as also for placing reliance upon letter no.2535 dated 16/09/2008, issued by respondent state election commission, on the ground that in light of the ratio laid down in case of Dharmsheela kumari vs. State of Bihar since reported in 2021(3) PLJR 346, the voting was mandatorily required to be carried out amongst the member present in voting and more-so-ever the letter dated 16/09/2008, is no more in existence;



(iii) for a declaration that if statute prescribes a particular act to be done in a particular manner it should be done in that manner alone or not at all and any other mode is not only necessarily prohibited but also constitute illegality;

(iv) for a declaration that if a special meeting for consideration of no confidence motion has not reached its logical conclusion specially under the circumstances when no voting was carried out amongst the member present and voting then such motion will have no meaning in the eyes of law and thus same will not be a bar to bring another no confidence motion as stipulated in section 70(4)(ii) of the act, 2006.

3. Learned Senior Counsel for the petitioner, at the outset, submits that much water has flown down the Ganges inasmuch as after seeking legal opinion, the District Magistrate, Saran at Chapra has come out with the communication vide letter no. 5034 dated 15.07.2024 by which after observing that No Confidence Motion was not concluded, direction has been given to the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Saran, Chapra to issue notice to all the members to take the matter of No Confidence Motion to its logical conclusion.



4. He further submits that as per the notice received, the date has also been fixed and the special meeting will take place on 30.07.2024.

5. Let the same be kept on record.

6. In view of the fact that the District Magistrate has taken initiative and had directed the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Saran, Chapra to take up the matter and has also held that the earlier no confidence motion was not concluded, in the opinion of the Court, the writ has become infructuous. Accordingly, the petition stands disposed of.

(Rajiv Roy, J)

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