

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12635 of 2024

1. Dharmendra Kumar son of Shri Kuladip Ray, resident of Village-Chalvagadh, Ward No. 09, Block and P.S.-Bathnaha, District-Sitamarhi.
2. Ram Ekbal Mahto, son of Late Ram Lakshan Mahto, resident of Village-Lakshampur, Ward No. 2, Block and P.S.-Bathnaha, District-Sitamarhi.
3. Pankaj Kumar son of Surendra Baitha, resident of Village-Koily, Ward No. 12, Block and P.S.-Bathnaha, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Deputy Development Commissioner, Sitamarhi.
3. The District Magistrate, Sitamarhi.
4. The District Panchayati Raj Officer, Sitamarhi.
5. The Executive Officer, Panchayat Samiti cum Block Development Officer, Block-Bathnaha, District-Sitamarhi.
6. The Pramukh, Panchayat Samiti, Block-Bathnaha, District-Sitamarhi namely Shri Ratan Kumar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Standing Counsel 22

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-08-2024 Heard the parties.

2. The writ petitioner has been filed for the following

relief(s):-

“ I) To issue appropriate order/orders, direction/ directions, writ/writs, preferably in the nature of mandamus, commanding and directing the Respondent District Magistrate, Sitamarhi to declare the proceeding/decision of special meeting held on 12.01.2024 for discussing 'No Confidence Motion' brought against Pramukh of Panchayat Samiti, Bathnaha Block, District-Sitamarhi (Respondent No.6) is void, illegal and inoperative which was illegally



defeated/rejected saying that none of the Panchayat Samiti member was appeared for discussing 'No Confidence Motion' brought against the Pramukh (Respondent No.6) on scheduled date i.e. 12.01.2024 in pursuant to notice dated 05.01.2024; with a further prayer to direct the Respondent District Magistrate, Sitamarhi to fix a date of special meeting for discussing 'No Confidence Motion' against the Respondent Pramukh in the interest of justice.

ii) To direct the Respondent District Magistrate, Sitamarhi to consider the representation dated 17.02.2024 submitted by the petitioners in this regard and enquired into the matter properly and till this is done, restrain the Respondent Pramukh from officiating the post of Pramukh of Panchayat Samiti, Block-Bathnaha, District-Sitamarhi.

iii) And/or any other appropriate order/direction which this Hon'ble Court may think fit and proper in the facts and circumstances of the present case.”

3. Learned counsel for the petitioner submits that in the special meeting held on 12.01.2024 relating to Bathnaha Panchayat, District-Sitamarhi, so far as ‘No Confidence Motion’ against ‘Pramukh’ is concerned, despite there being no presence of any member, respondent-Executive Officer, Panchayat Samiti cum Block Development Officer, Bathnaha, Sitamarhi recorded the ‘Motion’ to have been defeated (Annexure P/2 to the petition). He submits that when the motion was not put to vote, the Executive Officer wrongly recorded the ‘Motion’ to have been defeated.



4. Aggrieved by it, the petitioner has preferred representation before the District Magistrate on 17.02.2024 (Annexure P/3) to the writ petition and despite passage of six months, he has not taken any steps/passed any order.

5. Learned State counsel submits that if the said representation is there, that has to be taken to its logical conclusion.

6. The 'Motion' was not put to the vote as per the minutes of the proceeding dated 12.01.2024, the respondent-Executive Officer, Panchayat Samiti cum Block Development Officer, Bathnaha, Sitamarhi exceeded his jurisdiction in further commenting that the 'Motion' stands defeated. However, since the Respondent-District Magistrate, Sitamarhi has been represented, it is better that he takes the decision at an earliest after hearing all the elected members of the said Panchayat in next three weeks as he has already taken six months and has failed to decide the matter.

7. It is once again made clear that each and every elected member of the Bathnaha Panchayat has to be noticed through the respondent-Executive Officer, Panchayat Samiti cum Block Development Officer, Bathnaha, Sitamarhi and their presence be recorded and only thereafter, a reasoned order be



passed.

8. The petition stands disposed of.

(Rajiv Roy, J)

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