

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.871 of 2024

In
Civil Writ Jurisdiction Case No.616 of 2024

-
1. Manju Devi Wife of Late Naresh Mahto Member of Block Panchayat Samiti, (Constituency no.- 2), District- Saran, Chapra.
 2. Laljhari Devi, Wife of Ram Avtar Ram Member of Block Panchayat Samiti, (Constituency no.- 3), District- Saran, Chapra.
 3. Kanchan Singh, Wife of Manoj Kumar Singh Member of Block Panchayat Samiti, (Constituency no.- 4), District- Saran, Chapra.
 4. Ashwini Kumar Yadav, Son of Ram Anugarh Yadav Member of Block Panchayat Samiti, (Constituency no.- 7), District- Saran, Chapra.
 5. Mithiesh Devi, Wife of Raju Singh Member of Block Panchayat Samiti, (Constituency no.- 10), District- Saran, Chapra.
 6. Tejnarayan Singh, Son of Ramayan Singh Member of Block Panchayat Samiti, (Constituency no.- 11), District- Saran, Chapra.

... .. Appellant/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The State Election Commissioner, Bihar, Patna, through its Secretary, 3rd Floor, Sone Bhawan, Bir Chand Patel Marg, Patna.
3. The District Magistrate-cum- District Election Officer (Panchayat), Saran at Chapra.
4. The Sub- Divisional Officer, District- Saran at Chapra.
5. The Block Development Officer Rivilganj -cum-Executive Officer, Rivilganj Block, Block Panchayat Samiti, District Saran at Chapra.
6. Rahul Raj, Son of Bipin Kumar Singh Resident of VIP Golambar, VIP school, Mukrera, P.S.- Rivilganj, District- Saran at Chapra, Bihar 841301.
7. Ram Bihari Singh, Son of Dindayal Singh Presently Up-Pramukh of Rivilganj Block, Block Panchayat Samiti, District Saran at Chapra.
8. Anita Devi, Wife of Late Ganesh Sah Presently Member of Rivilganj Block, Block Panchayat Samiti from territorial constituency no.- 1, District Saran at Chapra.
9. Shivji Manjhi, Son of Baijnath Manjhi Presently member of Rivilganj Block Panchayat Samiti, territorial constituency no.- 5, District Saran at Chapra.
10. Babita Devi, Wife of Binod Singh Presently member of Rivilganj Block Panchayat Samiti from territorial constituency no.- 8, District Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Singh, Sr. Advocate



	Mr. Ankit Kumar Singh, Advocate
	Mr. Mukesh Kr. Thakur, Advocate
For the Resp no.10	: Mr. Amit Shrivastava, Sr. Advocate
	Mr. Parijat Saurav, Advocate
For the Resp no.4	: Mr. Bindhyachal Singh, Sr. Advocate
	Ms. Nikita Mittal, Advocate
For the State	: Mr. Ajay, GA-5
For the Election Commission	: Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-10-2024

The issue agitated in this appeal is in a narrow compass as to whether the election of the 6th appellant herein as *Pramukh* can be interfered with by this Court, under Article 243-O of the Constitution of India; as argued by the learned Senior Counsel appearing for the appellants.

2. The brief facts to be noticed are that, there was a requisition made by the appellants for a no confidence motion. The appellants submit that the requisition was made on 16.02.2024 while the writ petitioner, who was the *Pramukh*, against whom the no confidence motion was submitted, assert that it was handed over only on 20.02.2024. Alleging that the *Pramukh* had refused to call for a special meeting on 02.03.2024, the requisitionists themselves constituted a special meeting on 11.03.2024; on which date the no confidence motion was passed. This led to the election of the 6th appellant on the



very same date as the *Pramukh*.

3. The ousted *Pramukh* filed the above writ petition, which was allowed. The learned Single Judge found that the special meeting constituted on 02.03.2024 was in violation of Section 44 (3)(i) of the Bihar Panchayat Raj Act, 2006.

4. The stipulation in Section 44 (3)(i) is that on receipt of the requisition of no confidence motion, the *Pramukh* shall convene a special meeting within 15 days. Even going by the submission of the appellants, that the requisition was given on 16.02.2024, the *Pramukh* had time upto 03.03.2024, to convene a meeting. The meeting was convened by the requisitionists, on the allegation that there was no special meeting convened by the *Pramukh* as per Section 44 (3)(i) on 02.03.2024, within the 15 day period.

5. In such circumstances, we find absolutely no reason to interfere with the judgment of the learned Single Judge. We think it imminently proper, since the convening of the special meeting occurred within the 15 days, within which time the statute had empowered the *Pramukh* itself to convene a meeting.

6. Now the question emerges as to what happens to the subsequent election, which has to be found to be bad as a direct consequence of the special meeting convened being



interfered with by the learned Single Judge. We find absolutely no application of Article 243-O of the Constitution of India to the facts of the present case. The assumption of the post of *Pramukh*, in an election, was after the no confidence motion was carried in the house. When the special meeting convened is invalidated, the subsequent election is rendered invalid as a consequence. The earlier elected *Pramukh* having been restored to the position of *Pramukh* by reason of the invalidity visited on the special meeting convened, as per the orders of this Court; the subsequent election is of no consequence.

7. It is now pointed out by the learned Senior Counsel appearing for the respondents that there was a special meeting convened as per the directions of the learned Single Judge and the no confidence motion had been defeated. However, the learned Senior Counsel for the appellants submits that though a special meeting was convened, there is still some anomaly with respect to the voting carried out, especially, with respect to one vote cast in the meeting, which is pending before the higher authorities. In such circumstances, if the order is prejudicial to either parties, it would necessarily have to be challenged.

8. We find absolutely no reason to interfere in the



appeal, now presently filed. We make it clear that we have not said anything about the subsequent special meeting convened as per the directions of the learned Single Judge and voting carried out on the no confidence motion.

9. With the above observation, the appeal stands closed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	05.10.2024
Transmission Date	

