

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13827 of 2024

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Rani Kumari Wife of Satyendra Choudhary Resident of Village- Sugaon,
Suganwan, Police Station- Tehta, District-Jehanabad, Bihar- 804427.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Deputy Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The District Magistrate, Jehanabad.
4. The Chief Executive Officer, Zila Parishad, Jehanabad.
5. Ajit Mistri, Ward Parshad, Kako-01, District-Jehanabad.
6. Ajay Singh, Ward Parshad, Ghoshi Bhag, District-Jehanabad.
7. Sangita Devi, Ward Parshad, Makhdumpur Bhag, District-Jehanabad.
8. Sudhir Choudhary, Ward Parshad, Kako-02, District-Jehanabad.
9. Renu Devi, Ward Parshad, Makhdumpur Bhag-3, District-Jehanabad.
10. Shanti Devi, Ward Parshad, Modanganj, District-Jehanabad.
11. Sushila Devi, Ward Parshad, Ratanifaridpur Bhag-2, District-Jehanabad.
12. The Bihar State Election Commissioner, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarva Deo Singh, Adv.
For the Resp. no.6	:	Mr. Siya Ram Shahi, Adv.
For SEC	:	Mr. Ravi Ranjan, Adv.
For Zila Parishad	:	Mr. Nikesh Kumar, Adv.
For the State	:	Mrs. Archana Meenakshi, GP-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2024 Mr. Sarva Deo Singh, prays for and is allowed to

make necessary changes in the list of respondents and implead

the State Election Commission as party respondent.

2. Heard Mr. Sarva Deo Singh, learned counsel for
the petitioner, Mrs. Archana Meenakshi representing the State,
Mr. Siya Ram Shahi for the respondent no. 6, Mr. Ravi Ranjan,



who represents the State Election Commission, Bihar as also Mr. Nikesh Kumar Singh representing the Zila Parishad, Jehanabad.

3. The present writ petition has been preferred for the following relief(s):

“That the petitioner prays for issuance of an appropriate writ/ writs, order/orders, direction/ directions for quashing the communication/ letter dated 6.9.2024 issued by District Magistrate, Jehanabad by which a meeting for "No Confidence Motion" has been fixed on 14.9.2024. However, the said direction is in contravention of Section 70 (i) of the Bihar Panchayati Raj Act, 2006 and also against the Amendment Act- 15 of 2015 which is came in force w.e.f. 1.1.2016.”

And for any other relief/reliefs the petitioner may be found entitled.

4. Mr. Sarva Deo Singh, learned counsel for the petitioner submits that though the members of the Zila Parishad, Jehanabad made a requisition on 29.08.2024, it never came to her office/residence and only when the notice dated 06.09.2024 was served by which the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Jehanabad gave the



information that the meeting for the 'No Confidence Motion' against both the Chairperson as also the Vice-chairperson is to be scheduled on 14.09.2024 that she had knocked the doors of this Court as the Section 70(4) of the Bihar Panchayat Raj Act, 2006 (henceforth for short 'the Act') is/was violated.

5. Yesterday, when the mentioning of the case was made, Mrs. Archana Meenakshi, learned GP-6 was directed to get the first hand information from the District Magistrate, Jehanabad as to whether the direction to hold the meeting has come from the office of the District Magistrate, Jehanabad or the Deputy Development Commissioner, Jehanabad.

6. Pursuant thereto, she received the letter no. 1382 dated 12.09.2024 issued by the District Magistrate, Jehanabad by which it has been informed that the request was made on 29.08.2024 which was sent to the petitioner. As she refused to accept it, was sent on her Whatsapp No. 9572403231 and only after she failed to fix the date and when this fact was informed by the Deputy Development Commissioner-cum-Chief Executive Officer, Jehanabad that he gave direction on 06/09.2024 for holding the special meeting on 14.09.2024 which followed the letter issued by the Deputy Development Commissioner, Jehanabad fixing the date of special meeting on



14.09.2024.

7. Learned counsel for the petitioner insisted that in view of the fact that proper requisition was not made before her, the seven days period was not allowed to her.

8. In the case of **Abhishek Ranjan Vs. the State of Bihar and Others (CWJC No. 11654 of 2024)**, this Court on 06.08.2024 had taken note of the fact that only four persons appeared and accordingly, for want of quorum, the proceeding was brought to an end and made an observation that probably the respondents have not gone through the judgment of **Dharamsheela Kumari Vs. Hemant Kumar and Others** reported in **2021(3) PLJR 346** as also the directions issued by the State Election Commission in which it has already clarified that the 2008 resolution has not to be taken into consideration.

9. It seems that only thereafter, the wheels started moving which resulted into the request made on 29.08.2024. The petitioner has grievance, a request has already been made to fix the date of 'No Confidence Motion', the case of **Abhishek Ranjan** (supra) has been noted only to show that the entire year has passed on but the decision on the 'No Confidence Motion' has still not taken place.

10. In that background, when the petitioner has



repeatedly harped upon non-receipt of the request made on 29.08.2024, learned counsel for the petitioner as also the State counsel, the Zila Parishad, Jehanabad and Mr. Siya Ram Shahi representing one of the member have jointly submitted that it would be appropriate that the date of the special meeting which is fixed for 14.09.2024 be moved further.

11. As such, this Court directs the respondent no. 3, the District Magistrate, Jehanabad to fix a fresh date of special meeting on 24.09.2024 at 11.00 AM. It is made clear that the letter must be issued from the office of the District Magistrate, Jehanabad and thereafter only, the District Deputy Development Commissioner-cum-Chief Executive Officer, Jehanabad shall issue the corollary letter annexing both the letter of the District Magistrate, Jehanabad as also the request made by the requestionist on 29.08.2024 alongwith the charges in it.

12. Each and every member of the Zila Parishad, Jehanabad, should be provided copies of the letter of the District Magistrate, Jehanabad, the letter of the Deputy Development Commissioner-cum-Chief Executive Officer, Jehanabad as also the 29.08.2024 request with the charges in it.

13. Failure to provide all the three documents alongwith the charges to all the members, the respondents will



be liable for contempt and the receipts must be in the files of the office of the Deputy Development Commissioner-cum-Chief Executive Officer, Jehanabad. In case, any of the member of the Zila Parishad, Jehanabad fails to or deliberately refuses to accept notice, Speed post/Registered Post notice be sent to him/her immediately.

14. The order has been passed in the presence of Mr. Sarva Deo Singh representing the petitioner, Mrs. Archana Meenakshi representing the State, Mr. Nikesh Kumar who represent the Zila Parishad, Jehanabad as also Mr. Siya Ram Shahi representing respondent no. 6 beside Mr. Ravi Ranjan, State Election Commission Counsel. As such, without waiting for the uploading of the order delivered today, they shall be informing their respective parties to do the needful informing them about the passing of the order.

15. The writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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