

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16539 of 2023

Shweta Devi wife of Sri Bipin P.S. Kumar resident of village- Sondiha P.O. Chutia Shambhuganj District Banka,, presently Member, Block Panchayat Samiti, Shambhuganj, District -Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Banka, District - Banka.
6. The District Panchayat Raj Officer, Banka, District - Banka.
7. The Block Development Officer, Shambhuganj, District - Banka.
8. The Block Panchayat Raj Officer, Shambhuganj- cum - Executive Officer, Block Panchayat Samiti, Shambhuganj, District - Banka.
9. Suman Kumar Suman son of Late Ramjatan Singh, Resident of village and P.O. Mohanpur, P.S. Shambhuganj District - Banka, presently Pramukh Block Panchayat Samiti, Shambhuganj, District - Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP 13
		Mr. Akshay Lal Prasad, AC to GP 13
For Resp. No. 9	:	Mr. Rajiv Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-06-2024 Heard learned counsel for the petitioner, learned counsel appearing on behalf of respondent no. 9 as well as learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the following reliefs:-

“(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing



the order dated 10.10.2023/18.10.2023 passed by the Respondent no. 2 and communicated to all concerned vide his memo no. 12291 dated 19.10.2023 whereby and where under the Respondent No. 2 has been pleased to reject the complaint filed by the petitioner for removal of Respondent no. 9 from the post of Pramukh of Block Panchayat Samiti, Shambhunganj in the District of Bank exercising the power vested in the State Government under Section 44(4) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act) on the ground that the impugned order passed by the Respondent No. 2 is thoroughly illegal and not in accordance with law.

(ii) For a declaration that if Section 44(4) of the Gram Panchayat Act has conferred jurisdiction upon the State Government for removal of a Pramukh from the post, if after the election, the Pramukh has willfully omitted to perform his duties and other circumstances contemplated under the Act, the Respondent No. 2 while exercising the power of the State Government has either to accept the charges and remove the Pramukh from the post or has to reject the charges against the Pramukh if it is not corroborated by the acts of the Pramukh but he cannot pass an order censuring the Pramukh to be removed from the post after admitting the charges levelled against him.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case”

3. Learned counsel appearing on behalf of the respondent no. 9 submits that he has filed a detailed counter affidavit in which he has stated that on 29.10.2024 a special meeting was held for No Confidence Motion against the Pramukh i.e. the respondent no. 9 and in this meeting the No Confidence Motion has been passed against the respondent no. 9 (Pramukh) and then he has been removed from the post of



Pramukh. Hence, the present writ petition has become infructuous.

4. Learned counsel appearing on behalf of the State also informs this Court that in the next meeting the present petitioner has become Pramukh of Block Panchayat Samiti.

5. In view of the aforesaid, the writ petition stands disposed of as having become infructuous.

(Rajesh Kumar Verma, J)

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