

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9080 of 2024

Ravindra Ram Son of Jagjivan Ram, Resident of village- Karamdiha, P.O. Nauhatta, P.S. - Nauhatta, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram, District- Rohtas at Sasaram.
3. The Sub- Divisional Officer, Dehri, District- Rohtas at Sasaram
4. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, District- Rohtas at Sasaram.
5. The Block Panchayat Raj Officer, Nauhatta, District- Rohtas at Sasaram.
6. Rani Devi @ Rani Kumari Wife of Shashi Bhushan Kumar She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
7. Sanju Devi, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
8. Uday Narayan Singh Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
9. Sunil Kumar Ram, Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
10. Shiv Kumar Ram, Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
11. Krishna Kumar Yadav, Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
12. Rajesh Yadav, Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
13. Lakhni Devi, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.



14. Pratibha Chaubey, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
15. Amita Kumari, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
16. Renu Singh, Wife of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
17. Biru Uraon, Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
18. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
19. The Secretary, The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9082 of 2024

Rani Devi @ Rani Kumari Wife of Shashi Bhushan Kumar, Resident of village- Harna Near Bhagwati Asthan, P.O. Nauhatta, P.S. Nauhatta, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram, District- Rohtas at Sasaram.
3. The Sub-Divisional Officer, Dehri, District- Rohtas at Sasaram.
4. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, District- Rohtas at Sasaram.
5. The Block Panchayat Raj Officer, Nauhatta, District- Rohtas at Sasaram.
6. Ravindra Ram, Son of Jagjivan Ram He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
7. Sanju Devi, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.



8. Uday Narayan Singh Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
9. Sunil Kumar Ram Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
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13. Lakhni Devi, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
14. Pratibha Chaubey Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
15. Amita Kumari, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
16. Renu Singh, Wife of not known to the petitioner, She is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
17. Biru Uraon, Son of not known to the petitioner, He is the elected member of Block Panchayat Samiti, Nauhatta through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Nauhatta, P.O. and P.S. Nauhatta, District- Rohtas at Sasaram.
18. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
19. The Secretary, The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 9080 of 2024)

For the Petitioner/s : Mr. S.B.K. Mangalam, Advocate.
Mr. Awnish Kumar, Advocate.

For the SEC : Mr. Girish Pandey, Advocate.

For the Respondent/s : Mr. Standing Counsel (4)

(In Civil Writ Jurisdiction Case No. 9082 of 2024)

For the Petitioner/s : Mr. SBK Mangalam, Advocate.
Mr. Awnish Kumar, Advocate.

Mr. Rishi Raj, Advocate.

For the Respondent/s : Mr. Nasrul Hoda Khan SC 1 with
Ms. Babita Kumari, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

13 18-12-2025 With the consent of all the Counsels appearing for the
respective parties, both the matters are being heard together and
disposed of by this common order.

2. The following reliefs are sought for in CWJC
No.9080 of 2024:-

“(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the proceeding of the special meeting of Block Panchayat Samiti, Nauhatta dated 24.05.2024 issued under the signature of the Respondent no.4 and contained in his letter no.553 dated 24.05.2024 in which resolution of No Confidence was passed against the petitioner on the ground that the special meeting dated 24.04.2024 was not conducted in accordance with the provisions contained under Section 44 (3) (v) and 44 (3) (vi) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act).



(ii) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the notice dated 16.05.2024 issued under the signature of the Respondent no.4 and contained in his letter no.530 dated 16.05.2024,whereby and where under he has been pleased to inform the elected members of Panchayat Samiti to attend the special of Panchayat Samiti on 14.05.2024 for consideration of No Confidence Motion against the petitioner.

(iii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for reinstatement of the petitioner to the post of Up-Pramukh of Block Panchayat Samiti, Nauhatta, which he was holding before his removal by the impugned resolution passed against the petitioner in the special meeting of Block Panchayat Samiti dated 24.05.2024.”

3. The following reliefs are sought for in CWJC No. 9082 of 2024:-

“(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the proceeding of the special meeting of Block Panchayat Samiti, Nauhatta dated 24.05.2024 issued under the signature of the Respondent no.4 and contained in his letter no.553 dated 24.05.2024/wherein resolution of No Confidence was passed against the petitioner and the Up-Pramukh of Block Panchayat Samiti on the ground that neither the special



meeting dated 24.05.2024 was convened in accordance with law nor it was conducted in terms with the provisions contained under Section 44 (3) (v) and 44 (3) (vi) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act).

(ii) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the requisition dated 03.05.2024 submitted in the office of Respondent no.4 on 03.05.2024 as also the letter no. 352 dated 03.05.2024 issued by the Respondent no.4 forwarding the requisition dated 03.05.2024 to the petitioner on the ground that the requisition was not presented by the requisitionists before the petitioner in compliance of the mandatory provisions contained under Section 44 (3) (i) of the Gram Panchayat Act rather it was directly submitted in the office of Respondent no.4.

(iii) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 07.05.2024 issued under the signature of the Respondent no.4 and contained in his letter no.359 dated 07.05.2024, whereby and where under the Respondent no.4 had approached the Respondent no.6 to fix the date of special meeting and the letter dated 15.05.2024 of the Respondent no.6 contained in his letter no.19 dated 15.05.2024, whereby and where under the Respondent no.6 had fixed the date of special meeting on 24.05.2024 for consideration of No



Confidence Motion against the petitioner on the ground that since even after service of requisition upon the petitioner through the Respondent no.4, there was time till 10.05.2024 when the petitioner could have taken steps for discharge of her statutory obligation, the approach of the Respondent no.4 to the Respondent no.6 vide his letter dated 07.05.2024 was thoroughly illegal and without jurisdiction.

(iv) For a declaration that since the special meeting dated 24.05.2024 was itself not convened in accordance with law as contemplated under Section 44(3) (i) of the Gram Panchayat Act and even the special meeting was conducted without complying the mandatory requirements of Section 44 (3) (v) and 44(3) (vi) of the Gram Panchayat Act, the proceeding of special meeting dated 24.05.2024 and the resolution of No Confidence passed there at against the petitioner cannot be sustained in law and is ,therefore, fit to be set aside.

(v) For issuance of an appropriate writ in the nature of MANDAMUS,commanding and directing the Respondent Authorities for reinstatement of the petitioner to the post of Pramukh of Block Panchayat Samiti, Nauhatta, which she was holding before her removal in the special meeting dated 24.05.2024.”

4. The petitioner in CWJC No. 9080 of 2024 is an Up-pramukh of Block Panchayat Samiti, Nauhatta and the



Petitioner in CWJC No. 9082 of 2024 is a Pramukh of the Block Panchayat Samiti, Nauhatta who have been removed by the members of the Panchayat Samiti by virtue of the meeting held on 24.05.2024.

5. Learned counsel appearing on behalf of the petitioners has submitted that the Panchayat Samiti consists of total 13 members and some of them have requisitioned for removing the petitioner from the post of the Pramukh, the said requisition was given by six members on 03.05.2024 to the petitioner. As there was no response from the Pramukh, the Up-pramukh was requested to fix the date of meeting on 07.05.2024. The Up-pramukh has thereafter fixed a meeting on 24.05.2024 vide notice dated 15.05.2024 (16.05.2024). Learned counsel appearing on behalf of the petitioners has submitted that the special meeting for removal of the petitioners was taken up on 24.05.2024 and the petitioners were removed on the basis of the requisition made by 06 members who were present at the time of meeting and voting. Learned counsel further submits that as per the provisions of the Bihar Panchayat Raj Act, 2006 more particularly Section 44 (3) (i) of the Panchayati Raj Act for the motion to be successful, it has to be passed by majority of the elected members and not by those present and voting.



Learned counsel has stated that the order of removal passed vide minutes of the meeting dated 24.05.2024 is contrary to the provisions of the Bihar Panchayat Raj Act and therefore prayed this Hon'ble Court to set aside the same and reinstate the petitioner.

6. Per contra, the learned counsel appearing on behalf of the Respondent-Authority has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the interpretation sought to be given by the counsel for the petitioners that the majority of the members elected should pass the resolution is without any legal basis and has relied on the judgment of this Hon'ble Court in the case of ***Sangeeta Devi & Ors. Vs. The State of Bihar & Ors.*** wherein this Hon'ble Court has held that the motion for 'no confidence' can be carried out successfully and there is no requirement that the majority of the total members elected should be present. That, in case, the requirement of majority of the members present and voting is taken, the same is a successful requirement. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

7. In order to appreciate the issue involved in the present writ petition, it is necessary to extract the provisions of



the Bihar Panchayat Raj Act, 2006 more particularly Section 44

(3) (i) which reads as under:-

“44(3)(i) A Pramukh/Up-Pramukh of the Panchayat Samiti shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Panchayat Samiti at a meeting specially convened for the purpose.

The requisition for such a special meeting shall be presented to the Pramukh in writing with a copy to the Executive Officer of the Panchayat Samiti, by not less than one third of the total number of members elected directly from the territorial constituencies of the Panchayat Samiti. The Executive Officer shall immediately bring the requisition to the notice of the Pramukh. The Pramukh shall convene such meeting on a date falling within 15 days of such requisition. If the Pramukh fails to call the special meeting, the Up-Pramukh or one third of the total number of directly elected members may fix a date for such meeting and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting. The Executive Officer shall necessarily issue such notice in time and convene the meeting. No such meeting shall be postponed once the notice for the same has been issued. No quorum shall be required for the special meeting convened to discuss no confidence



motion.”

8. And also the judgment of this Hon’ble Court passed in the case of ***Sangeeta Devi and Ors. Vs. The State of Bihar and Ors.*** is as follows: -

“41. We, thus, conclude that for a motion of “no confidence” to be carried out successfully, the requirement is of the majority of the members present and voting and not majority of the total of the elected members of the Zila Parishad.”

9. A perusal of the above, makes it abundantly clear that irrespective of the members who are elected for the motion to be successfully carried out, the persons present and voting should be taken into consideration. In this particular case all the 06 persons who have made the requisitions have voted against the petitioners and except these 06 persons there was no other members present to defeat the vote. Therefore, the order impugned in the present writ petition does not suffer from any legal infirmity which warrants any interference by this Hon’ble Court.

10. Having regard to the same, this Court is not inclined to entertain the present writ petition and the same is dismissed. Having regard to the fact that the authority i.e. the State Election Commissioner is obligated under the law to hold the elections for the post of the new Pramukh/Up-pramukh, the



authorities are directed to see that the elections are held as expeditiously as possible preferably within a period of 03 weeks from today. The authority shall follow the provisions of the Bihar Panchayat Raj Act and see that the time schedule fixed in the Act are strictly followed.

11. With the above directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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