

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9201 of 2024

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Mira Devi Wife of Amit Kumar Paswan Resident of village Chourahi, Post
Office and police station Chenari, District Rohtas at Sasaram. ... Petitioner/s
Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas, District Rohtas at Sasaram.
3. The Block Development Officer -cum- Chief Executive Officer (Panchayati Raj) Chenari, District Rohtas at Sasaram.
4. The Chief Election Officer, State Election Commission, Bihar, Patna.
5. Salamat Ansari Son of late Zahoor Ansari Resident of village Kenar Kala, Police Station Chenari, District Rohtas at Sasaram.
6. Meena Bibi Wife of Imteyz Ali Resident of village Pithiyao, Police Station Chenari, District Rohtas at Sasaram.
7. Smt. Gayatri Devi Wife of Guddu Sharma Resident of village Nuao Police Station Chenari, Rohtas at Sasaram.
8. Yamuna Sah Son of Komal Sah Resident of village Tetri, Police Station Chenari, District Rohtas at Sasaram.
9. Vikash Kumar Son of late Suryabansh Singh Resident of village Sariyam, Police Station Chenari, District Rohtas at Sasaram.
10. Smt. Lakshmina Devi Wife of Bagi Ram Resident of Karma, Police Station Chenari, District Rohtas at Sasaram.
11. Mukessh Kumar Ram Son of Ganga Ram Resident of village Palaundha, Police Station Chenaril District Rohtas at Sasaram.
12. Smt. Shobha Kumari Wife of Mithilesh Kumar Resident of village Balhipur, Police Station Chenari, District Rohtas at Sasaram.
13. Bihari Sah Son of late Bechu Sah Resident of village Sadokhar, Police Station Chenari, District Rohtas at Sasaram.
14. Indravati Devi Wife of Sunil Mali Resident of village Telari, Police Station Chenari, District Rohtas at Sasaram
15. Priyanka Devi Wife of Shivji Singh Resident of village Khurmabad, Police Station Chenari, District Rohtas at Sasaram.
16. Suman Devi Resident of village Ubhao, Police Station Chenari, District Rohtas at Sasaram.
17. Firdaus Beg Son of Kuddus Beg Resident of village Pevandi, Police Station Chenari, District Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishana Chandra, Advocate
	:	Mr.Wasi Ahmad Khan, Advocate
For the State	:	Mr.Jitendra Kumar Roy-1, S.C.-13
	:	Mr.Bijay Bhushan Prasad, A.C. to S.C.-13
For the private respondent:		Mr. Sanjay Kumar Tiwary, Advocate



For the State Election

Commission

:

Mr. Ravi Ranjan, Advocate

:

Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 27-01-2025

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the private respondent.

2. This writ application has been filed for the following reliefs:

I. For issuance of an appropriate writ/writs, order/orders for setting aside 'No Confidence Motion' passed against the petitioner in special meeting held on 13.05.2024 whereby she has been removed from the post of Pramukh of Chenari Panchayat Samiti, Block Chenari District Rohtas at Sasaram.

II. For quashing the requisition dated 27.04.2024 issued to the petitioner asking her to convene special meeting for discussion on 'No Confidence Motion' against her on certain vague and baseless charges.

III. For further direction/directions to the respondent especially Respondent Nos. 1 to 3 restraining them from holding election of the Pramukh of Panchayat Samiti, Chenari, District Rohtas at Sasaram.

IV. For direction to the respondents directing them to abide by section 44(3)(ii) of Bihar Panchayati Raj Act, 2006 where



it has been stated that 'No Confidence Motion' against the Pramukh may be brought only once in tenure of the Pramukh and since 'No Confidence Motion' had been brought against the petitioner on 16.01.2024, which was quashed by the Hon'ble Patna High Court in C.W.J.C. No. 1840 of 2024, therefore, second 'No Confidence Motion' brought against the petitioner is absolutely illegal and against the mandate of the Act.

V. For any other relief/reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that there is no confidence motion against the petitioner was passed in her absence and in absence of proper presentation of requisition as mandated under Section 44 of the Bihar Panchayati Raj Act, 2006. Learned counsel for the petitioner submits that the petitioner was elected as Pramukh of Chenari Panchayat Samiti on 31.12.2021. Learned counsel for the petitioner submits that 'No Confidence Motion' was passed against the petitioner on 16.01.2024 and the same was the subject matter of CWJC No.1840 of 2024 and after hearing the parties the Hon'ble Court has been please to quash the notice dated 08.01.2024 and further directed that the respective parties including the elected members aggrieved may act in accordance with law.



4. Learned counsel for the petitioner submits that thereafter the requisitionist has again filed requisition on 27.04.2024 for ‘No Confidence Motion’ against the petitioner. Learned counsel for the petitioner submits that in view of Section 4(3)(ii)of Bihar Panchayat Raj Act, 2006, ‘No Confidence Motion’ cannot be brought against her as it happens to be the second ‘No Confidence Motion’.

5. Learned counsel for the respondents, private respondents, State and the Bihar State Election Commission submit that in view of the order dated 08.04.2024 passed in CWJC No.1840 of 2024 that there is ‘No Confidence Motion’ against the petitioner in the eye of law and the present requisition dated 27.04.2024 deemed to the first ‘No Confidence Motion’ against the petitioner.

6. In view of the aforesaid, there is no need to interfere in the impugned order. Accordingly, it is, dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2025
Transmission Date	

