

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11123 of 2025

=====

Magari Devi Wife of Dadan Yadav, resident of Village-Semra Balua, P.O.-
Balua, P.S.-Brahampur, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Bihar, Patna.
2. The Secretary, Department of Panchayati Raj, Bihar, Patna.
3. The Lok Pahari-cum-Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate-cum-District Election Officer, Buxar.
5. The Sub-Divisional Officer, Dumraon, District- Buxar.
6. The District Panchayati Raj Officer, Buxar.
7. The Block Development Officer, Brahmpur, Buxar.
8. Durga Charan Mishra, Son of Late Biharilal Mishra, resident of Village and P.O. - Yogia, P.S.-Brahmpur, District- Buxar.
9. Ramashankar Tiwary, Son of Bhola Tiwary, Resident of Village Chhotaki Nainijor, P.O.- Nainijor, P.S.-Brahmpur, District Buxar, Panchayat Samiti Member, Gram Panchayat South Nainijor (East Part) Part No. 07.
10. Munni Devi, Wife of Bharat Thakur, Resident of Village and Post Pokharaha, P.S. Bagen, District Buxar, Panchayat Samiti Member, Gram Panchayat Pokharaha, Part No. 21.
11. Laxmi Devi, wife of Vijay Kumar Prasad, Resident of Village and Post - Barki Nainijor, P.O. - Nainijor, P.S. -Brahmpur, District Buxar, Panchayat Samiti Member, Gram Panchayat Gayghat, North Nainijor (South) Part No. 10.
12. Pratibha Devi, wife of Raj Kumar Yadav, Resident of Village Sapahi, P.S. Brahmpur, District- Buxar. Panchayat Samiti Member, Gram Panchayat Bairiya, Part No. 03.
13. Ram Awatar Thakur, son of Jhapasi Thakur, Resident of Village and Post Barki Nainijor, P.O.- Nainijor, P.S.-Brahmpur, District Buxar, Panchayat Samiti Member, Gram Panchayat North Nainijor (South), Part No. 09.
14. Deo Narayan Ram, Resident of Village and Post - Bagen, P.S.- Bagen, District Buxar, Panchayat Samiti Member, Gram Panchayat Bagen, Part No. 23.
15. Gunja Kumari, wife of Sonu Thakur, Resident of Village and Post Bagen, District Bhadawar, P.S. Buxar, Panchayat Samiti Member, Gram Panchayat Bhadawar, Part No. 26.
16. Dadan Yadav, Husband of Mangari Devi, Resident of Village - Nandpur, P.S. - Brahmpur, District - Buxar.

... .. Respondent/s

=====

Appearance :



For the Petitioner/s : Mr.Abhash
For the Respondent/s : Mr.Government Pleader (20)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the respondent No.8 and learned
counsel appearing on behalf of the State.

2. The petitioner in the present writ application has
prayed for grant of following relief :-

(i) Whether the inquiry report vide letter
No.396 dated 02.08.2024 submitted by S.D.O., Dumraon
is illegal, arbitrary and perverse and in violation of
principle of Natural Justice. Hence, it is fit to be quashed
by this Hon'ble Court?

(ii) Whether the order dated 10.05.2025 passed
in Lok Prahari Case No. 8 of 2024 by respondent NO.3 is
also illegal, arbitrary and perverse in the eye of law and
the same has been passed on the basis of inquiry report
submitted by S.D.O., Dumraon is also fit to be set aside by
this Hon'ble Court?

(iii) Whether a report dated 25.02.2025
submitted by the D.M., Buxar which is based on inquiry
report of S.D.O. Dumraon dated 02.08.2024 is also
contrary to the principle of natural justice?

(iv) Whether the order dated 30.06.2025 passed
by respondent No.2 is also illegal, arbitrary and perverse
because the said order has been passed on the basis of the
inquiry report submitted by S.D.O., Dumraon as well as
D.M., Buxar are without consideration of the case of the
petitioner?

(v) Whether the respondent authorities have
failed to consider that petitioner has never made any horse
trading in process of No Confidence Motion though
husband of petitioner namely, Dadan Yadav had made
transaction in the names of relatives of Panchayat
Committee member which is not the Horse Trading
Transactions?



(vi) Whether the respondent authorities have failed to consider that relatives of the Panchayat Samiti member have been affidavit stating therein they have received money for their necessity and the same would be apparent from their affidavit?

(vii) Whether the inquiry report dated 02.08.2024 submitted by the S.D.O. Dumraon, the order dated 10.05.2025 passed in Lok Prahari Case No.8 of 2024 by respondent NO.3 as well as order dated 30.06.2025 passed by respondent No.2 are aotherwise bad in law as wlel as on facts and also illegal, arbitrary and perverse in the eye of law. Hence these are fit to be set aside by this Hon'ble Court.

3. It is not in dispute that the Lok Prahari has given his recommendation against the petitioner which is under consideration before the State Government. It is further not in dispute that the State Government has issued show cause to the petitioner for submitting his reply. It is also not in dispute that till date, the State Government has not taken any final decision in the matter and the petitioner has not been removed from her elected post.

4. Learned counsel appearing for respondent No.8 as well as learned counsel appearing on behalf of respondent-State submit that the petitioner has per-maturity approached this Court because till date, no final order has been passed by the State Government removing the petitioner from her post.

5. Responding to the argument advanced by the respondent-State and respondent No.8, learned counsel for the



petitioner submits that he is prepared to withdraw the present writ application with liberty to raise all the points which the petitioner has raised in the present writ application before the State Government while replying to the show cause notice.

6. To this submission made by learned counsel for the petitioner, the respondent do not any objection.

7.Considering the limited nature of prayer/submission made by learned counsel for the petitioner, the writ application is dismissed as withdrawn granting liberty to the petitioner to raise all the points which he has raised in the present writ application before the State Government in his reply to the show cause notice and the State Government is expected to give an opportunity of hearing to the petitioner and decide all the points by passing a reasoned and speaking order.

8. With the aforesaid observation and direction, the present writ application stands disposed of.

(Alok Kumar Sinha, J)

sanjeev/-

U			
---	--	--	--

