

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.973 of 2026**

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Ram Chandra Singh, Son of Shabhanand Singh, Resident of Village- Chhapra  
Tola, P.O. Semraon, P.S. Charpokhari, District - Bhojpur at Ara.

... .. 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 Joint Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Bhojpur at Ara, District - Bhojpur at Ara.
5. The District Panchayat Raj Officer, Bhojpur at Ara, District- Bhojpur at Ara.
6. The Sub-Divisional Officer, Piro, District - Bhojpur at Ara.
7. The Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
8. Deepak Chaudhary son of Dukhi Chaudhary, Presently Up-Pramukh of Block Panchayat, Charpokhari, P.O. and P.S. Charpokhari, District- Bhojpur at Ara.
9. Abhishek Kumar @ Abhishek Kumar Singh, son of Baban Singh, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
10. Rina Devi, wife of Shyam Azad, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
11. Puja Devi, wife of Prem Kumar Rajak, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
12. Manju Devi, wife of Gopaljee Singh, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
13. Suryadev Ram, son of not known to the petitioner, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
14. Atriji Tiwary, son of Dhanji Tiwary, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.



15. Sapna Devi, wife of Dharmendra Kumar, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
16. Sushila Devi, wife of Sanjay Kumar Singh, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
17. Sumit Kumar Singh, son of Kunj Bihari Singh, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
18. Neelam Devi, wife of Rudal Sah, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
19. Lalan Prasad Singh, son of not known to the petitioner, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
20. Pappu Kumar Sah, son of Mani Sah, the elected members of Block Panchayat Samiti, Charpokhari through the Block Development Officer - cum- Executive Officer, Block Panchayat Samiti, Charpokhari, P.O. and P.S. Charpokhari, District - Bhojpur at Ara.
21. The State Election Commission (Panchayat), Sone Bhawan Birchand Patel Path, Patna through the State Election Commissioner.

... .. Respondent/s

**Appearance :**

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|------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s         | : Mr. S.B.K. Manglam, Advocate<br>Mr. Awnish Kumar, Advocate<br>Mr. Kumar Gaurav, Advocate<br>Mr. Rishi Raj, Advocate |
| For the State Election Comm. | : Mr. Ravi Ranjan, Advocate                                                                                           |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
ORAL ORDER

5      11-05-2026                      Heard learned counsel for the petitioner and learned counsel for the respondent-State Election Commission. No one appears on behalf of the other respondents.

2. The petitioner has filed the instant application for the following reliefs :-



*“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 20.02.2025 issued under the signature of the Respondent no.3 and contained in his letter no.2705 dated 20.02.2025, whereby and where under the Respondent no.3 had communicated the opinion of the department to the Respondent no.4 regarding the status of No Confidence Motion brought against the petitioner on 16.01.2024 and it was opined that in view of the judgment and order dated 28.06.2021 passed in L.P.A. No.113 of 2020 and its approval by a Full Bench of this Hon'ble Court vide its judgment dated 16.05.2024 in L.P.A. No.125 of 2024, the No Confidence Motion brought against the petitioner in the special meeting of Block Panchayat Samiti dated 16.01.2024 shall be deemed to have been passed since out of 10 members present in the meeting, 06 had cast their vote in favour of No Confidence Motion.*

*(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 04.03.2025 issued under the signature of the Respondent no.4 and contained in his memo no.723 dated 04.03.2025 whereby and where under the Respondent no.4 had recorded his finding that in view of the judgment and order dated 28.06.2021 passed in L.P.A. No.113 of 2020 affirmed by the Full Bench in L.P.A. No.125 of 2024, the post of Pramukh of Block Panchayat Samiti has fallen vacant and,*



*therefore, request was made from the State Election Commission to hold the election to the vacant post.*

*(III) For a declaration that if the issue as to whether the No Confidence brought against the petitioner was successfully carried out in the special meeting dated 16.01.2024 or not, the matter was pending before this Hon'ble Court in C.W.J.C. No.12259 of 2024 (Abhishek Kumar @ Abhishek Kumar Singh Vs. The State of Bihar and others) in which no order was passed in favour of the writ petitioner and finally vide order dated 03.03.2025, the aforesaid writ petition was directed to be listed after disposal of S.L.P. No.12490 of 2024, the State Government was not justified to issue the impugned letter when the issue was pending consideration by this Hon'ble Court and therefore, the letter dated 20.02.2025 contained in letter no.2705 dated 20.02.2025 and the consequential order issued by the Respondent no.4 vide memo no.723 dated 04.03.2025 cannot be sustained in law and are, therefore, fit to be set aside.*

*(IV) Consequent upon the quashing of two orders, this Hon'ble Court may further be pleased to reinstate the petitioner to the post of Pramukh which was holding till the issuance of the impugned letter dated 04.03.2025 by the Respondent no.4.*

*(V) 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. The case of the petitioner in brief is that the petitioner was elected as a *Pramukh* of Block Panchayat Samiti, Charpokhari on 30.12.2021.

4. After completion of two years in office, pursuant to a requisition moved by the elected members, the Executive Officer came out with a notice on 5.1.2024 fixing the date of special meeting as 16.1.2024 for considering the no-confidence motion filed against the petitioner.

5. Learned counsel for the petitioner submits that there is no dispute with respect to the fact that there are thirteen elected members of whom ten members participated in the special meeting and six members voted in favour of the requisition of no-confidence moved against the petitioner *Pramukh*.

6. It is submitted by learned counsel for the petitioner that only six elected members out of the total of thirteen elected members having moved in favour of the requisition for no-confidence in the special meeting, against the petitioner, the motion ought to fail in view of the statutory provision as also the law laid down in the judgment of the Hon'ble Supreme Court in the case of *Rashmi Singh vs. The State of Bihar & Ors.*



[judgment dated 10.3.2026 passed in SLP(C) no.12490 of 2024].

7. Having heard learned counsel for the parties and having perused the contents of the petition, the Court finds substance in the submission made by learned counsel for the petitioner.

8. The order contained in Letter no.2705 dated 20.2.2025 of the Joint Secretary, Panchayati Raj Department, Government of Bihar addressed to the District Magistrate, Bhojpur, holding that the no-confidence motion in the special meeting held on 16.1.2024 against the petitioner stood passed, is set aside.

9. The writ application is allowed.

**(Partha Sarthy, J)**

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