

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4948 of 2026

Nirmala Devi, Wife of Jay Shankar Prasad Yadav, Resident of Village-
Rewasi Tole, Katahari, P.O. - Rewasi, P.S. - Riga, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The District Election Officer-cum-District Magistrate, Sitamarhi, Bihar.
4. The District Panchayat Raj Officer, Sitamarhi, Bihar.
5. The Block Development Officer-cum- Executive Officer, Panchayat Samiti, Riga, Sitamarhi, Bihar.
6. The State Election Commission through the State Election Commissioner, Bihar, Patna.
7. The Secretary, State Election Commission, Bihar, Patna.
8. Laxmi Prasad Yadav, Son of- Ramjinis Rai, Resident of Village- Anhari, P.O.- Riga P.S.-Riga, District-Sitamarhi
9. Ganesh Paswan, Son of Rambhajan Paswan, Resident of village-Riga, Tola-Majhaura, P.O.-Riga, P.S.-Riga, District- Sitamarhi
10. Santosh Paswan, Son of Janak Paswan, Resident of Village- Nazarpur, P.O.- Bulakipur P.S.-Riga, District- Sitamarhi
11. Rajesh Rai, Son of Rambabu Rai, Resident of Village- Samodhi Tola, P.O.- Balua, P.S.-Riga, District- Sitamarhi
12. Sangeeta Devi, Wife of Sanjiv Kumar, Resident of Village and P.O.- Poshua, Patania, P.S.-Riga, District- Sitamarhi
13. Khushboo Kumari, Wife of- Abhishek Kumar, Resident of Village- Sangram Fandah, P.O.-Riga P.S.-Riga, District- Sitamarhi
14. Banarsi Devi, Wife of- Ramsagar Sah, Resident of Village- Sighorwa, P.O.- Rampur, P.S.-Riga, District- Sitamarhi
15. Savita Kumari, Wife of- Dharmendra Paswan, Resident of Village- Sahvapur, P.O.-Kharsan, P.S.-Riga, District- Sitamarhi
16. Ajay Rai @ Ajay Kumar, Son of Ram Babu Rai, Resident of Village- Ramnagara, P.O.- Ramnagara, P.S.-Riga, District- Sitamarhi
17. Dinesh Sah, Son of Kishori Sah, Resident of Village- Balua, P.O.-Balua, P.S.-Riga, District-Sitamarhi.
18. Krishna Yadav, Wife of- Laxmi Prasad Yadav, Resident of Village- and P.O.- Anhari, P.S.-Riga, District- Sitamarhi
19. Madhu Sinha, Wife of- Ajay Kumar Sinha, Resident of Village-Pakari, P.O.- Basantpur, P.S.-Riga District- Sitamarhi



20. Kaneeja Khatoon, Wife of Md. Imamuddin Ansari, Resident of Village- Bhagwanpur Piprahi, P.O.-Bhagwanpur Piprahi, P.S.-Riga, District- Sitamarhi
21. Rakesh Kumar, Son of Shankar Singh, Resident of Village and P.O.- Rewasi, P.S.- Riga, District- Sitamarhi
22. Raj Kumar Rai, Son of- Rajendra Rai, Resident of Village and P.O.- Bhagwanpur, P.S.-Parsauni, District- Sitamarhi.
23. Umesh Sah, Son of- Ramanandi Sah, Resident of Village- Kusumpur, P.O.- Riga P.S.-Riga, District- Sitamarhi.
24. Anoj Kumar, Son of- Dashrath Sah, Resident of Village- Sakhi, P.O.- Sakhi, P.S.-Riga, District- Sitamarhi
25. Madhuri Kumari, Wife of- Dhiraj Mishra, Resident of Village- Panchhor, P.O.- Kushmari P.S.-Riga, District- Sitamarhi.
26. Kiran Devi, aged about-46 years. (Male), Wife of-Umesh Kumar, Resident of Village- Pakari, P.O.-Riga P.S.-Riga, District-Sitamarhi.
27. Shamila Khatoon, Wife of Md. Isha, Resident of Village- Riga, P.O.-Riga, P.S.-Riga, District- Sitamarhi.
28. Arun Kumar Singh, Son of Ram Bahadur Singh, Resident of Village- Shivnagar, P.C.-Riga P.S.-Riga, District- Sitamarhi
29. Sunita Devi, Wife of Bhupendra Singh Resident of village- Kharsan, P.O.- Kharsan, P.S.- Riga, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner	: Mr. Y.V. Giri, Sr. Advocate Mr. Devashish Giri, Advocate Ms. Shrishti Singh, Advocate
For the State	: Mr. Ramadhar Singh, GP-25
For the State Election Comm.	: Mr. Ravi Ranjan, Advocate
For the Resp. Nos.8 to 22	: Mrs. Nivedita Nirvikar, Sr. Advocate Mrs. Shashi Priya, Advocate
For the Resp. Nos. 24 to 28	: Mr. Vikash Ratan Bharti, Advocate Mr. Deepak Kumar, Advocate Mr. Kumar Abhishek, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
C.A.V. JUDGMENT

Date : 24-06-2026

Heard Mr. Y.V. Giri, learned Senior counsel for the petitioner, Mr. Ramadhar Singh, learned Government Pleader for the State of Bihar, Mr. Ravi Ranjan, learned counsel for the



State Election Commission, Mrs. Nivedita Nirvikar, learned Senior counsel for the respondent nos.8 to 22, 23 and 29 and Mr. Vikash Ratan Bharti, learned counsel for the respondent nos.24 to 28.

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

“I. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of CERTIORARI to quash the resolution dated 17.03.2026 (Annexure-P13, Pg.58) illegally passed for removal of the petitioner from the post of the Pramukh, Panchayat Samiti, Riga in the proceedings of the special meeting convened on 17.03.2026.

II. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of CERTIORARI to quash the notice dated 07.03.2026 vide letter no. 347 dated 07.03.2026 (Annexure-P10, Pg.46) illegally issued by the Block Development Officer-cum-Executive Officer, Panchayat Samiti, Riga (Respondent No.-05) directing the members to participate in the special meeting on 17.03.2026 for motion of “no-confidence” against the petitioner (Pramukh).

III. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of CERTIORARI to quash the letter dated 06.03.2026 (Annexure-P14, Pg.62) given by 14 elected members of the Panchayat Samiti Riga to



the respondent no. 5 informing her about fixing the date of special meeting on 17.03.2026 for no confidence motion against the petitioner under the purported exercise of their powers under section 44(3)(i) of the Act.

IV. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of CERTIORARI to quash the requisition dated 16.02.2026 (Annexure-P4, Pg.37) for no-confidence motion against the petitioner (Pramukh) received to the petitioner on 17.02.2026 from the staff of the office of the Block Development Officer-cum-Executive Officer, Panchayat Samiti, Riga (Respondent No.-05).

V. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of MANDAMUS commanding the Respondents no.-02-06 to restore the Petitioner to the post of Pramukh of Panchayat Samiti, Riga with all consequential benefits.

VI. For any other relief/reliefs to which the petitioner is deemed to be entitled as per the facts and circumstances of the case.”

3. The case of the petitioner in brief is that she was elected as a member of the Panchayat Samiti, Riga on 26.11.2021 and respondent nos.8 and 9 were elected as Pramukh and Up-Pramukh on 29.12.2021. In a special meeting held on 15.1.2024, a no-confidence motion was passed against



the then *Pramukh* Laxmi Prasad Yadav by 12 out of the 13 members attending the special meeting while one vote was declared invalid. He was removed from the post of *Pramukh*. The petitioner was elected as the *Pramukh* of Panchayat Samiti, Riga on 15.2.2024.

4. It is the case of the petitioner that on 16.2.2026, she received a requisition for no-confidence motion against the *Pramukh* allegedly signed by 13 members through staff of the office of the Block Development Officer-cum-Executive Officer, Panchayat Samiti, Riga (respondent no.5). On 18.2.2026, she received a requisition sent by the respondent no.5 on her whatsapp number.

5. A letter dated 23.1.2025 (Annexure-P/6) was written by the Joint Secretary, Panchayati Raj Department, Government of Bihar to all the District Magistrates to ensure compliance of the order dated 15.1.2025 of the Hon'ble Supreme Court in the case of *Chitra Devi vs. The State of Bihar* (Civil Diary no.672 of 2025) with respect to the second no-confidence motion. It was stated therein that in view of the direction of the Supreme Court, till further orders of the Court, all second no-confidence motion not be acted upon in the State.

6. It is the case of the petitioner that in view of the



above, she wrote a letter dated 21.2.2026 (Annexure P/7) to the respondent no.5 asking him to take guidelines from the senior officers with respect to the issues which were; (i) whether the no-confidence motion moved against the petitioner would be treated as first or second, (ii) there has been stay on all second no-confidence motion till further orders as per letter dated 23.1.2025 of the Panchayati Raj Department and (iii) as per section 44(3)(ii) of the Panchayat Raj Act, only one no-confidence motion can be brought in the entire tenure.

7. The respondent no.5 wrote a letter dated 21.2.2026 (Annexure P/8) to the District Panchayat Raj Officer, Sitamarhi seeking guidelines on the above issue. In turn the District Panchayat Raj Officer wrote a letter dated 21.2.2026 (Annexure P/9) to the Special Work Officer, State Election Commission, Bihar requesting for guidelines.

8. It is the case of the petitioner that while she was waiting for the guidelines for taking further necessary action, she was surprised to receive a notice dated 7.3.2026 issued by the respondent no.5 informing that a special meeting for discussing the no-confidence motion against her has been scheduled for 17.3.2026 at 11.30 a.m.

9. A copy of the letter dated 26.2.2026 (Annexure-



P/11) written by the Deputy Secretary, Panchayati Raj Department to the District Magistrate, Nalanda was sent by the respondent no.5 to the petitioner on 6.3.2026 wherein it was stated that as per the order dated 10.2.2026 passed in SLP no.2168 of 2025 by the Supreme Court, a meeting of the no-confidence motion shall be convened on 2/3rd of the total elected members being present and the no-confidence shall be passed on the same being voted upon by a majority of the total elected members. On either of the two conditions not being satisfied, the no-confidence motion will be treated to have been failed.

10. In the special meeting held on 17.3.2026, 17 members participated and 16 votes were cast in favour of the no-confidence motion with one vote being declared invalid. Thus, the no-confidence motion against the petitioner was passed. It is this resolution dated 17.3.2026 removing the petitioner as *Pramukh* of Panchayat Samiti, Riga which has led to the filing of the instant writ application for the reliefs as stated herein above.

11. Mr. Y. V. Giri, learned Senior counsel appearing for the petitioner submitted that no requisition was presented by the requisitionists to the petitioner/*Pramukh* and thus there was clear violation of section 44 of the Panchayat Raj Act, 2006



(‘the Act’ in short). A motion of no-confidence having already been brought against the office of the *Pramukh* i.e. the petitioner’s predecessor Laxmi Prasad Yadav who was removed in the special meeting held on 15.1.2024, the second motion of no-confidence could not be brought in view of section 44(3)(ii) of the Act. There was clear direction of the Panchayati Raj Department as contained in letter dated 26.2.2026 (Annexure-P/11) that in view of the order of the Supreme Court, all second no-confidence motion had to be deferred. In the notice dated 7.3.2026 issued by the respondent no.5 besides the charges being vague, false and superfluous, it nowhere mentions that the special meeting was fixed by the *Up-Pramukh* or 1/3rd of the total number of directly elected members. It was lastly submitted that pursuant to the petitioner having sought guidelines from the department, though a copy of the letter dated 26.2.2026 written by the Panchayati Raj Department to the District Magistrate, Nalanda was provided to him by respondent no.5 on 6.3.2026, however the same did not deal with the petitioner’s Panchayat Samiti nor with respect to the issue as to what step was to be taken when the requisition of no-confidence was not presented to the *Pramukh* as in the present case.



12. Learned Senior counsel appearing for the petitioner submitted that in view of the above facts, it was not a case of the petitioner having avoided the service of requisition but was a case where the requisition was not presented to the *Pramukh*/petitioner as required under section 44 of the Act. In support of his submission, learned Senior counsel for the petitioner relied upon the judgment in the case of ***Sheikh Hassmuddin vs. State of Bihar; 2015 (3) PLJR 203, Komal Anita Singh vs. State of Bihar; 2020 (1) BLJ 246***, judgment of this Court in the case of ***Sita Devi vs. The State of Bihar*** (order dated 18.11.2019 in ***CWJC no.17147 of 2018***), ***Arti vs. The State of Bihar; 2015 (3) PLJR 276*** and ***J. Jayalalithaa vs. State of Karnataka; (2014) 2 SCC 401***.

13. Opposing the writ application, learned Government Pleader appearing for the State of Bihar submitted that a bare perusal of the requisition for no-confidence motion dated 17.2.2026 would show that a total of 13 Panchayat Samiti members having affixed their signature on the same, there was nothing suspicious about it. The petitioner herself having approached the respondent no.5 for clarification shows that the same was received by her and she had complete knowledge about the requisition dated 17.2.2026 but refused to issue



receipt, as would be evident from the entries in the peon book. It is for this reason that the documents were sent to the petitioner on her whatsapp number which is duly acknowledged by her. Referring to a letter dated 16.9.2008 (Annexure-R3/B) written by the Joint Election Commissioner, State Election Commission, Bihar to all the District Magistrates-cum-District Election Officers (Panchayat), learned Government Pleader in reference to Clause 7(4) of the said letter submitted that complaints were being received by the State Election Commission that on occasions the *Pramukh* refused to receive the requisition for no-confidence motion. The instructions mentioned in the said letter stated that in such circumstances, a copy of the requisition given to the Executive Officer will be deemed to have been given to the *Pramukh*. The Executive Officer will immediately notify the *Pramukh* of the receipt of the requisition both through official record and by letter and request him to convene the meeting at the earliest in accordance with the provisions of the Act.

14. Learned Government Pleader appearing for the State of Bihar submitted that the petitioner had full knowledge of the said requisition and thus the requirement of service stands fulfilled. The proceedings were conducted strictly in accordance



with the provisions of law and the no-confidence motion was passed against the *Pramukh*. Learned counsel submitted that there has been no illegality in the process right from moving of the requisition of no-confidence motion against the *Pramukh*/petitioner up to passing of the same by the majority required in law. As such the writ application be dismissed.

15. Mrs. Nivedita Nirvikar, learned Senior counsel appearing for the respondent nos.8 to 22, who are the requisitionists, submitted that on the petitioner who was the *Pramukh* failing to discharge her duty diligently, the respondent nos.8 to 22 presented the requisition on 16.2.2026 to the *Pramukh*/petitioner calling for a special meeting for considering the no-confidence against the petitioner. On the petitioner not issuing any receiving upon the said requisition dated 16.2.2026, respondent nos.8 to 22 sent the same to the office of respondent no.5 who along with his staff issued a receipt on the same. It is submitted that on the respondent no.5 sending the requisition to the petitioner, she once again refused to issue any receiving. On the petitioner failing to convene a special meeting within 15 days of the requisition for consideration of the no-confidence motion against her, 14 elected members of the Panchayat Samiti on 6.3.2026 (Annexure-R/2) scheduled the special meeting on



17.3.2026 and information was given with respect to the same to the petitioner and respondent no.5. Further information was given by the respondent no.5 to the petitioner by his letter dated 7.3.2026. In the special meeting held on 17.3.2026, the *Pramukh*/petitioner did not appear. Out of the 17 members who were present, 16 votes were cast in favour of the motion of no-confidence against the *Pramukh* while one vote was declared invalid.

16. Learned Senior counsel appearing for the respondent nos.8 to 22 submits that no-confidence motion against the petitioner was passed in the special meeting held on 17.3.2026 in accordance with the provisions of the Act. There being no illegality in the same nor the petitioner having been able to point out any irregularity, the writ application be dismissed.

17. Reliance has been placed by learned Senior counsel appearing for the respondent nos.8 to 22 on the judgments in the case of *Ramendra Ram vs. The State of Bihar*; 2014 (4) PLJR 413, *Priyanka Devi vs. The State of Bihar* (order dated 17.2.2026 in LPA no.941 of 2024), *Dharamsheela Kumari vs. Hemant Kumar*; 2021 (3) PLJR 346, *Komal Anita Singh vs. State of Bihar*; 2020 (1) BLJ 246,



***Sheikh Hassmuddin vs. State of Bihar; 2015 (3) PLJR 203
and Arti vs. The State of Bihar; 2015(3) PLJR 276.***

18. Mr. Vikash Ratan Bharti, learned counsel appearing for the respondent nos.24 to 28 adopted the submissions made by learned Senior counsel appearing for the petitioner and supported the case of the petitioner.

19. Heard learned counsel for the parties and perused the material on record.

20. The relevant facts in brief are that the petitioner was elected as a member of the Panchayat Samiti, Riga on 26.11.2021. There were a total of 23 elected Panchayat Samiti members. In the elections held, the respondent nos.8 and 9 were elected as *Pramukh* and *Up-Pramukh* of the Panchayat Samiti. Subsequently, the no-confidence motion was passed against the then *Pramukh* Laxmi Prasad Yadav on 15.1.2024 and later the *Up-Pramukh* was also removed.

21. The petitioner was elected as the *Pramukh* of Panchayat Samiti, Riga on 15.2.2024.

22. On 16.2.2026, a requisition (Annexure-R/1) for holding a special meeting to consider the of no-confidence motion against the *Pramukh*/petitioner was presented by 15 members of the Panchayat Samiti to the *Pramukh*/petitioner. No



receiving having been given by the *Pramukh*/petitioner to the requisitionists, the requisitionists served a copy of the same on the respondent no.5 on 16.2.2026 itself.

23. It is not in dispute that on 16.2.2026, a copy of the requisition for no-confidence motion was sent by the respondent no.5 to the *Pramukh*. Thereafter on 7.3.2026, the respondent no.5 scheduled the special meeting for considering the no-confidence motion for 17.3.2026 at 11.30 a.m. wherein out of total of 23 members, 17 members participated and 16 votes were cast in favour of the no-confidence motion leading to removal of the *Pramukh*/petitioner.

24. It was contended by learned Senior counsel appearing for the petitioner that no requisition for holding special meeting was presented to the *Pramukh* as required under section 44(3)(i) of the Act. Relevant portion of section 44(3)(i) of the Act is reproduced herein below for ready reference :-

***“44. Resignation and Removal of
Pramukh and Up-Pramukh. –***

... ..

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



pecially 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.”

25. While it is the case of the petitioner that no requisition was ever presented by the requisitionists to the petitioner, the contention is seriously contested by the requisitionists (respondent nos.8 to 22) in reference to the statement made in paragraph no.4 of the counter affidavit, relevant portion of which is reproduced herein below :-

“4. But when the Petitioner failed to discharge the said duties diligently, 15 elected members of Panchayat Samiti (Respondents no. 8-22) personally presented the requisition dated 16.02.2026, after two years of



her being elected as Pramukh, to the Petitioner for calling a special meeting of no confidence against her. But the Petitioner did not issue any receiving upon the said requisition dated 16.02.2026, then the Respondents no. 8-22 sent the same in the office of the Respondent No.5 (The Block Development Officer-cum-Executive Officer, Panchayat Samiti, Riga, Sitamarhi, Bihar) upon which the Respondent no. 5 and its staff issued receiving upon the said requisition.

A true copy of requisition dated 16.02.2026 is annexed herewith and marked as ANNEXURE R-1.”

26. Further from the contents of the writ application, the petitioner accepts receiving the requisition for no-confidence from the office of the respondent no.5 through a staff namely Sanjay. The petitioner also admits receiving the requisition sent to her on whatsapp by the respondent no.5 on 18.2.2026. The petitioner states that immediately on receipt of the requisition, which appeared to her to be suspicious for no good reason, she wrote a letter to the respondent no.5 asking him to take guidelines from the superior authorities on the issues raised in the said letter dated 21.2.2026 (Annexure-P/7).

27. Here itself it would be relevant to mention that it is the categorical case of the respondent no.5 that on having received the requisition, the respondent no.5 sent the same to the



Pramukh/petitioner, however the *Pramukh*/petitioner refused to give a receiving of the same in the peon book, relevant copy of which has been brought on record as Annexure-R3/A. No receiving having been given, the respondent no.5 sent a copy of the requisition to the *Pramukh* on her whatsapp number. The petitioner acknowledges the receipt of the requisition for no-confidence motion from the respondent no.5, refutes the contention that she refused to give an acknowledgment in the peon book but also accepts receipt of the copy of the requisition from the respondent no.5 on her whatsapp number.

28. Taking into consideration the totality of the facts stated herein above, the Court is of the opinion that the original requisition signed by 15 requisitionists and which has been brought on record as Annexure-R/1 to the counter affidavit of respondent nos.8 to 22 addressed to the *Pramukh* was presented to her and on her refusing to give a receipt was served on the respondent no.5 and his staff who then got the same delivered to the *Pramukh*/petitioner which is accepted by the petitioner. Even on the staff of respondent no.5 serving the requisition of no-confidence on the petitioner, she once again avoided giving her receiving in the peon book. Thus taking into consideration the contention of respondent nos.8 to 22 in paragraph no.4 of



the counter affidavit and the material on record discussed it is a clear case where the *Pramukh*/petitioner was avoiding the service of requisition of no-confidence upon her.

29. With respect to the contention of learned Senior counsel for the petitioner that the requisition was not presented to the *Pramukh* in violation of section 44(3) of the Act, it may further be observed that section 44(3) of the Act, relevant portion of which is quoted herein above mentions that 'requisition for such a special meeting shall be presented to the *Pramukh* in writing' and does not mention about the same being presented personally. The petitioner accepts that she was served with a requisition through the staff of respondent no.5 and also received a copy of the same from respondent no.5 on her whatsapp number.

30. Having received the requisition, the petitioner should have proceeded to take steps as per the provisions of section 44(3) of the Act but chose to write a letter dated 21.2.2026 to the respondent no.5 asking him to take guidelines from the superior authorities. Even in the said letter, she accepts receiving the requisition of no-confidence against her on 17.2.2026 from the Office of the respondent no.5.

31. This Court in the case of ***Ramendra Ram*** (*supra*)



held as follows :-

“10. In so far as the issue of presentation of requisition is concerned, all that the provision requires is that the requisition should be presented to the Pramukh in writing with a copy to the Executive Officer. The mode and manner of presentation is not explained and thus the legislative intendment has to be seen for there may be circumstances where the Pramukh avoids service of notice and in such circumstances as well as in circumstances where the repeated efforts by the process server fails, all other options would be available to the Executive Officer to get it served, whether through registered post/speed post or in the manner provided under Order-V, rule 17 of the Code of Civil Procedure all modes are available. When the provision requires the presentation of the requisition to the Pramukh it does not mean that it can only be served personally upon him by the requisitionists rather all that is required is that the requisition should reach the Pramukh and the manner in which it reaches becomes irrelevant, so long as the receipt is not in question.

11. Thus any requisition which is addressed to the Pramukh and in particular circumstances where it cannot be served upon him, until such time that such requisition reaches the Pramukh in whatever mode and manner; no objection can be raised by the Pramukh on the manner of presentation. In so far as the present



case is concerned it is the admission of the petitioners that they have received requisition by speed-post well in advance of the special meeting and thus the objection is only taken to be rejected.”

32. A Division Bench of this Court in the case of

Priyanka Devi (*supra*) held as follows :-

“44. The learned Senior Counsel on behalf of the respondent Nos. 4 to 7 next refers to a reported judgment of the Division Bench of this Court in Sabila Khatoon & Ors. vs. State of Bihar & Ors., 2016 SCC OnLine Pat 10413 : (2017) 2 PLJR 29. This case relates to consideration of No Confidence Motion requisitioned by the Councillors against the Chairman of a Municipality under the Bihar Municipal Act, 2007. Paragraph Nos. 7 & 8 of the said report clearly recording the following :-

"7. A perusal of the said provision shows that requisition has to be given to Chief Councillor. The provision does not satisfy that it has to be Denise delivered to the Chief Councillor personally. It can be received by any person on her behalf. The requirement of serving of requisition personally on the Chief Councillor is otherwise also not possible as the person against her No Confidence is proposed always can go hiding or otherwise delay the receipt of requisition defeating the purpose of



sending the requisition itself. Such is the view taken by a to Division Bench of this Court in L.P.A. No. 1077 of 2014 (Rajeshwar Prasad v. The State of Bihar) decided on 4.8.2014 wherein the Court has held the fact. Relevant extract reads as under :-

"18. While answering the question, posed above, it needs to be borne in mind that it is the fundamental rule of the interpretation of statutes that a word, appearing in the statute, shall be given its ordinary meaning and nothing shall be added to the statutory provisions or subtracted therefrom. When the word "personally" does not appear in the statutory provisions embodied in Rule 2(i) of 2010 Rules, it will be wholly unreasonable to insist that a requisition under Rule 2(i) of 2010 Rules shall be given "personally" to the Chief Councillor demanding holding of special meeting.

19. When Rule 2(1) of 2010 Rules, nowhere, makes it obligatory, on the part of requisitionists, to give a Chief Councillor requisition for special meeting "personally" Rule 2(1) of 2010 Rules cannot be interpreted to either impose an obligation on the



elected members, as requisitionists, to present "personally" to the Chief Councillor the requisition nor can. it be said that the Chief Councillor shall be given requisition, "personally". If Rule 2(i) of 2010 Rules is interpreted to convey what Mr. Giri attributes to the provisions contained in Rule 2 (i) of 2010, Rules, the consequences may be disastrous inasmuch as a Chief Councillor can always avoid personal service of a requisition and would, thus, not call for any special meeting and thereby frustrate the whole purpose of no confidence motion and bring, as a sequel thereto, a complete collapse of a democratic institution, such as, Panchayat."

8. In view of the Division Bench Judgment wherein the similar issue was raised and decided, we find that the order of learned Single Bench holding that the requisition has to be served personally on the Chief Councillor cannot be sustained. Thus, the No Confidence Motion passed against the writ applicant in the meeting held on 15.10.2016 does not suffer from any illegality warranting interference in the writ application. There is another reason as to why the writ applicant is not entitled to any indulgence. After No Confidence Motion was carried out against the writ



applicant, the fresh election was convened for 11th November, 2016. Though, this Court has ordered that the result shall not be declared but the applicant contested the post of Chief Councillor, therefore, in view of the judgment of this Court as reported (2010) 1 PLJR 929-Smt. Shamshad Khatun v. The State of Bihar, and (2010) 3 PLJR 98- Sanjay Kumar Mahajan v. State of Bihar, the writ applicant is estopped to challenge her removal. It has been held that once the person takes a chance and contests the election, even though a dispute may be sub judice before the court, cannot be allowed to challenge his/her very removal from the post which led to holding of the subsequent election. In view of the aforesaid judgment as well, we find that the writ applicant cannot be permitted to dispute the passing of the No Confidence Motion having participated in the election held on 11th of November, 2016."

45. Thus, it is contended by the learned Senior Counsel on behalf of the respondent Nos.4 to 7 that the provision of Section 44(3) of the Bihar Panchayat Raj Act, 2006, which is pari materia to Section 25(4) of the Bihar Municipal Act, 2007 does not satisfy that the requisition for No Confidence Motion has to be delivered to the Chief Councillor personally, it can be received by any person on her behalf. The requirement of serving of



requisition personally on the Prakhanda Pramukh is otherwise also not possible, as the person against whom No Confidence is proposed, always can go hiding or otherwise delay the receipt of requisition, defeating the purpose of sending the requisition itself.”

33. The next contention by learned Senior counsel appearing for the petitioner is that a motion of no-confidence already having been brought against the Office of the Pramukh i.e. the petitioner's predecessor who was removed in the special meeting held on 15.1.2024, a second motion of no-confidence could not be brought in view of section 44(3)(ii) of the Act.

34. A bare reading of the provisions contained in section 44(3)(ii) of the Act would show that the provisions contained therein stating that the no-confidence motion may be brought only once in the whole tenure of *Pramukh* does not imply to the Office of the *Pramukh* but to the individual holding the said Office. So far as the petitioner is concerned, it is not the second motion of no-confidence but only the first motion of no-confidence brought against her. In the opinion of the Court, this contention on behalf of the petitioner has no merits to stand.

35. It was next contended by learned Senior counsel for the petitioner that the charges mentioned in the notice dated 7.3.2026 were vague, false and superfluous and it did not



mention that the special meeting was fixed by the Up-Pramukh or 1/3rd of the total number of directly elected members.

36. So far as the charges being vague, false and superfluous are concerned it may be observed here that the charges against the *Pramukh*/petitioner were discussed in the special meeting held on 17.3.2026 and the no-confidence motion against the petitioner was passed by 16 out of the 17 elected members who participated in the meeting. Further there being a total of 23 members, the resolution of no confidence has been passed by a majority of the total elected Panchayat Samiti members, and the petitioner cannot be permitted to raise all these issues after having been voted out, having lost the confidence of the house.

37. This Court in the case of ***Ramendra Ram*** (*supra*) further held as follows :-

“14. In the opinion of this Court whatever be the merits of the allegations, once they are put to motion and after following the lawful procedure, has resulted in the Pramukh/Up-Pramukh as the case may be, loosing the confidence of the house, there can be no judicial review either on the merits of allegations or the right of the members to maintain a second motion on identical allegations. A discussion on the allegations as provided under Section 44(3)(vi) would gain



relevance only where there is opposition to it or where the Pramukh/Up-Pramukh decides to contest the same and vindicate their stand. It is an opportunity provided to the holder of the post and may be of a persuasive value but the outcome of the motion lies in the secret voting and if the same goes in favour of the no confidence motion, the outgoing Pramukh/Up-Pramukh would have to honour the view of the house unless it suffers from procedural infraction.

15. In so far as the present case is concerned the petitioners having lost the confidence of the house with no legal infirmities in the no confidence motion passed against them, they have no right to continue.”

38. The next contention of learned Senior counsel for the petitioner was that he having sought guidelines from the Department, he received a copy of the letter dated 26.2.2026 written by the Panchayati Raj Department to the District Magistrate, Nalanda, from respondent no.5 on 6.3.2026 but the same also did not deal with the petitioner's Panchayat Samiti. It may be observed here that having received the requisition for no-confidence, the petitioner was required to act in accordance with the provisions contained in section 44 of the Act and fix a date for special meeting to consider the no-confidence motion moved against him. He could not be permitted to delay the



consideration of the no-confidence and stall the holding of the special meeting on the ground that he had sought for guidelines from the Department.

39. Even as per the petitioner's case, having received a copy of the requisition on 16.2.2026, as per section 44(3) of the Act, he was required to convene a meeting on a date falling within 15 days of such requisition i.e. on or before 3.3.2026. Not having done so, 14 of the elected Panchayat Samiti members wrote a letter dated 6.3.2026 to the respondent no.5 that in exercise of the powers as provided under section 44(3) of the Act they had fixed the date of 17.3.2026 for convening a special meeting to consider the no-confidence motion against the *Pramukh* and that the respondent no.5 should give information with respect to the same to all members. It is pursuant thereto that the respondent no.5 came out with the notice contained in Annexure-P/10 to the application addressed to the *Pramukh*/petitioner as also the members of the Panchayat Samiti and the very start of the notice states that 'as directed (*nirdeshanusar*) the respondent no.5 is informing the members about the meeting'. The Court finds no error in the procedure adopted by the requisitionists or the respondent no.5.

40. So far as the judgments relied upon by learned



Senior counsel appearing for the petitioner is concerned, the judgment in the case of *Sheikh Hassmuddin (supra)* is distinguishable from the instant case on facts. In the said case, the consistent case of the appellants therein was that the notice of no-confidence motion was not served upon the second appellant at all and the entire record was silent as to how the respondents had served the notice of no-confidence motion on him. So far as the instant case is concerned, besides there being a categorical assertion in the counter affidavit of the respondents that on presentation of the requisition for calling a special meeting to consider the no-confidence motion, the petitioner did not issue any receiving, the same was served on the respondent no.5 who thereafter got the same served on the *Pramukh*/petitioner. In the instant case, the *Pramukh*/petitioner accepts service of the requisition from the Office of the respondent no.5 on 16.2.2026 through staff and on 18.2.2026 on her whatsapp number and also states that she wrote to the respondent no.5 on 21.2.2026 to take guidelines from the superior authorities to enable the petitioner to take further steps in the matter.

41. The facts of the judgment in the case *Komal Anita Singh (supra)* relied upon by learned Senior counsel for the



petitioner is also distinguishable in so far as in the said case the requisitionists had neither made any attempt to serve the requisition to the *Pramukh* either at her office or residence and mere knowledge of the requisition by the *Pramukh* could not be treated as service upon her. As stated above, it is a categorical case of respondent nos.8 to 22 that the requisition was presented to the petitioner who refused to give the receiving for the same, however sending of the requisition by the respondent no.5 on both 16.2.2026 and 18.2.2026 is accepted by the petitioner herself in paragraph nos.13 and 14 of the writ application.

42. Learned Senior counsel appearing for the petitioner next relied upon the judgment in the case of *Sita Devi (supra)* wherein the Court had asked the respondents in the said case to demonstrate from the pleadings available on record that they have either made a statement that the petitioner was avoiding service of requisition or that a copy of the requisition was sent to the petitioner. Without repeating the facts of the case stated herein above, reference may be made to paragraph no.4 of the counter affidavit filed on behalf of respondent nos.8 to 22.

43. Reliance has been placed on behalf of the petitioner on the judgment in the case *Arti Kumari (supra)* to submit that a requisition which though addressed to the



Pramukh but if routed through the Executive Officer-cum-Block Development Office to be presented to the *Pramukh*, the same has been held to be an illegal procedure adopted by the requisitionists. At the cost of repetition it may be stated here that so far as the facts of the instant case is concerned it is the categorical case of the requisitionists respondent nos.8 to 22 that the requisition which is addressed to the *Pramukh* was presented to the *Pramukh* on 16.2.2026 who refused to give a receiving and only thereafter a copy of the same was served on the respondent no.5. Thus in the opinion of the Court this judgment is of no assistance to the petitioner.

44. Reliance has been placed on the judgment in the case of *J. Jayalalithaa (supra)* to contend that when the statute provides for a particular procedure, the authority has to follow it and cannot be permitted to act in contravention of the same.

45. As already discussed herein above, the procedure as laid down in section 44(3) of the Act mentions about the requisition for a special meeting to consider the no-confidence motion to be presented to the *Pramukh* in writing with a copy to the Executive Officer of the Panchayat Samiti. In the instant case, the same was done and only on the petitioner/*Pramukh* to whom the requisition for no-confidence motion was presented



refusing to give a receiving, as provided in section 44(3) itself that a copy of the same was given to the Executive Officer. In the procedure adopted by the requisitionists and/or the respondent no.5, the Court finds no violation or disregard of the provisions contained in section 44(3) of the Act and the instant judgment is of no assistance to the petitioner.

46. It may further be observed here that on receipt of the requisition for no-confidence on 16.2.2026 from the staff of the Office of the respondent no.5 as also on receipt of a copy of the requisition on 18.2.2026 from the respondent no.5 on whatsapp, no objection was raised by the petitioner/*Pramukh* before any authority that in violation of the section 44(3) of the Act the requisitionists members of the Panchayat Samiti had not presented the requisition to the *Pramukh*. The petitioner took steps seeking guidelines from the higher authorities by writing the letter dated 21.2.2026 to the respondent no.5 on the grounds that he felt difficulty. The grounds were (i) whether the no-confidence motion moved against the petitioner would be treated to be first or second, (ii) there has been stay on all second no-confidence motion till further orders as per letter dated 23.1.2025 of the Panchayati Raj Department and (iii) as per section 44(2) of the Act only one no-confidence can be



brought in the entire tenure of the *Pramukh*. Thus even from the contents of the letter dated 21.2.2026, there was no issue of the requisition for fixing a special meeting to consider the no-confidence motion against the petitioner not being ‘personally presented’ to the petitioner.

47. In any case of the matter, a bare reading of section 44(3) of the Act together with the judgments cited herein above, in the opinion of the Court, there is no requirement of personal presentation of the requisition to the *Pramukh*/petitioner.

48. In view of the facts and circumstances of the case, the Court finds no merit in the writ application.

49. The interim order granted in favour of the petitioner stands vacated.

50. The writ application is dismissed.

(Partha Sarthy, J)

Saurabh/
avinash

AFR/NAFR	
CAV DATE	14.05.2026
Uploading Date	24.06.2026
Transmission Date	

