

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5985 of 2026

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Janki Devi Wife of Chulihai Ram, Resident of Village-Matiyariya, P.O.-
Makhua, Turakauliya, P.S.-Harsiddhi, District-East Champaran. Presently
Pramukh of Block Panchayat Samiti, Harsiddhi, East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. District Magistrate, East Champaran, District-East Champaran.
4. Block Development Officer cum Executive Officer, Block Panchayat Samiti, Harsiddhi, East Champaran.
5. Aasma Praveen, wife of not known to the petitioner,
6. Mustaqeem Ansari, son of not known to the petitioner,
7. Deepak Kumar, son of not known to the petitioner,
8. Rizwana Khatoon, son of not known to the petitioner,
9. Braj Kishore Yadav, son of not known to the petitioner,
10. Amzad Khan, son of not known to the petitioner,
11. Pradeep Yadav, son of not known to the petitioner,
12. Savitri Devi, wife of not known to the petitioner,
13. Suresh Das, son of not known to the petitioner,
14. Geeta Devi, Wife of not known to the petitioner,
15. Wasima Khatoon, wife of not known to the petitioner,
16. Shailendra Kumar, son of not known to the petitioner,
17. Chanda Kumari, wife of not known to the petitioner,
18. Shivji Yadav, son of not known to the petitioner,
19. Suganti Devi, wife of not known to the petitioner,
20. Sarfaraz Rai, son of not known to the petitioner,
21. Geeta Devi, wife of not known to the petitioner,
Respondent No.5 to 21 are elected members of Block Panchayat Samiti,
Harsiddhi, Block-Harsiddi, P.S.-Harsiddhi District-East Champaran.
22. Gulaichi Devi, Elected Member, Block Panchayat Samiti, Harsiddhi Block,
Constituency No. 14- Respondent No. 22
23. Razia Khatun, Elected Member, Block Panchayat Samiti, Harsiddhi Block,
Constituency No. 20- Respondent No. 23



24. Subhasini Devi, Elected Member, Block Panchayat Samiti, Harsiddhi Block, Constituency No. 9- Respondent No. 24
25. Prabha Devi, Elected Member, Block Panchayat Samiti, Harsiddhi Block, Constituency No. 5- Respondent No. 25
26. State Election Commission, Bihar, through its Secretary, Sone Bhawan, 3rd Floor, Beer Chand Patel Marg, Patna- 800001- Respondent No. 26.
27. Vijay Kumar Kushwaha son of Late Ramdas Prasad, Constituency No. 3. Elected Member - Block Panchayat Samiti. Harsiddhi Block. Resident of Village- Yadopur, Block- Harsiddhi East Champaran.
28. Hasan Raja Miyan son of Amin Miyan, Constituency No. 18, Elected Member Block Panchayat Samiti, Harsiddhi Block, Resident of Village- Kritpur, Block -Harsiddhi East Champaran.
29. Dinesh Prasad son of Jagarnath Prasad, Constituency No. 13, Elected Member -Block Panchayat Samiti, Harsiddhi Block, Resident of Village- Mathkohiyar, Block Harsiddhi East Champaran.
30. Kanhaiya Prasad son of Shivnath Prasad, Constituency No. 15, Elected Member Block Panchayat Samiti, Harsiddhi Block, Resident of Village- Ghiwadar, Block Harsiddhi East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Advocate
For the State : Mr. Jitendra Kumar Roy-1, SC-13
Mr. U.K. Singh, AC to SC-13
For the SEC : Mr. Ravi Ranjan, Advocate
For the Pvt. Resp. : Mr. SBK Manglam, Advocate
Mr. Awnish Kumar, Advocate
Mr. Vikash Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

C.A.V. JUDGMENT

Date : 15-07-2026

Heard Mr. Niranjan Kumar, learned counsel for the petitioner, Mr. U.K.Singh, learned counsel for the State of Bihar, Mr. Ravi Ranjan, learned counsel for the State Election Commission and Mr. S.B.K. Manglam, learned counsel for the



private respondents/requisitionists.

2. The petitioner filed the instant application for the following relief(s):

“I. That the present writ application is being filed in the nature of a writ of Certiorari for quashing the notice dated 01.04.2026 given by elected members of Block Panchayat Samiti, Harsiddhi, East Champaran, for convening a special meeting to consider a No-Confidence Motion against the Pramukh (Petitioner), alleging violation of the section 44(3) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act, 2006'); as the said notice is hit by principle of "Coram non judice" (issued without legal authority or jurisdiction), it is ultra vires, as it is hit by Section 44(3)(iii) of the Act, 2006, the meeting is invalid;

II. That the present writ petition is being filed in the nature of Mandamus, seeking a direction to the respondents to desist from proceeding in terms of Section 44(3)(iii) of the Act, 2006 and from convening any special meeting for consideration of a No-Confidence Motion against the Pramukh (Petitioner), as the same is barred by law;

III. For any other relief(s) to which the Petitioner may be found entitled in the facts and circumstances of the case.”

3. On an application being filed by the petitioner, additional reliefs to be prayed for by the petitioner were allowed which are as follows:

“IV. That the present writ application is being filed



in the nature of Certiorari for quashing Letter No. 180 dated 20.04.2026 issued under the signature of Block Development Officer, Harsiddhi, East Champaran, by which a special meeting has been called for a no-confidence motion against the petitioner (Janki Devi Presently Pramukh of - Block Panchayat Samiti, Harsiddhi, East Champaran).

V. That the present writ application is being filed to set aside the proceedings of the special meeting convened by the Executive Officer-cum-Block Development Officer, pursuant to which a no-confidence motion was carried out on 29.04.2026.”

4. The petitioner, an elected Pramukh of Block Panchayat Samiti, Harsiddhi has filed the instant application challenging the notice dated 1.4.2026 given by the elected members of the Block Panchayat Samiti for convening the special meeting to consider the no confidence motion against the Pramukh/petitioner, to restrain the respondents from proceeding on the said letter, for quashing the letter dated 20.4.2026 issued under the signature of the Executive Officer/Block Development Officer, Harsiddhi fixing the date of meeting on 29.4.2026 at 11 a.m. as also for quashing the proceedings of the meeting of the Panchayat Samiti held on 29.4.2026 wherein the no confidence motion was passed against the petitioner by 18 out of the 20 members participating.

5. The case of the petitioner in brief is that she was



elected as a member of the Block Panchayat Samiti, Harsiddhi on 1.12.2021 and as a Pramukh on 13.3.2024. It is the case of the petitioner that she came to know through a facebook post that a notice dated 1.4.2026 has been issued for convening a special meeting to consider the no confidence motion against her on the charges as mentioned therein. A total of 17 out of 26 elected members were shown to have taken the decision to convene a special meeting to consider the no confidence motion against her. The B.D.O. having issued a letter dated 20.4.2026 for convening a special meeting on 29.4.2026 during pendency of the instant application and the said meeting having taken place wherein the no confidence motion was passed against the petitioner by 18 out of 20 members participating, the petitioner has also challenged the letter dated 20.4.2026 and the proceedings dated 29.4.2026 in the instant application.

6. Mr. Niranjana Kumar, learned counsel for the petitioner submits that the prayer made in the instant application is fit to be allowed on the grounds that 9 out of 17 members who requisitioned the meeting were not actually present nor had signed the requisition. Their signatures were forged and the respondents had played a fraud on the statute. The requisition was not presented to the Pramukh/petitioner as required under



section 44 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act'). The term of the petitioner as a Pramukh expired in August 2026, so no special meeting could be called in view of the provision contained in section 44(3)(iii) of the Act. The charges levelled in the requisition were vague, not specific and thus the requisition itself was bad. It was submitted that for all these reasons writ application was fit to be allowed, the orders impugned be set aside and the prayer made in paragraph no.1 be granted. In support of his contentions, learned counsel for the petitioner relied upon the judgments in the case of ***Sindhu Devi & Ors. vs. The State of Bihar & Ors.; 2002(1) PLJR 281(DB), Arti Kumari vs. State of Bihar & Ors.; 2015(3) PLJR 276 and Santosh Kumar Rai & Anr. vs. State of Bihar & Ors.; 2019(2) PLJR 380.***

7. The application is opposed by learned counsel appearing for the State of Bihar. Referring to the counter affidavit filed, it was submitted that the petitioner and other members of the Panchayat Samiti having been elected in November/December 2021, their terms would expire in November/December 2026. Thus section 44(3)(iii) of the Act has no application. It was further submitted that 17 of the elected members went to submit a no confidence motion to the



Pramukh on 1.4.2026, however as she was not available in the office and refused to meet the requisitionists at home, the same was submitted in original along with the photocopy in the office of the Executive Officer-cum-B.D.O. The B.D.O. sent a copy of the notice in original on 1.4.2026 to the office of the Pramukh by a peon which was refused. It was again sent to her residence on 2.4.2026 which was again refused. Thereafter the requisition was pasted on the front gate and photographs were taken. A copy of the requisition was also sent through electronic means. On the Pramukh not fixing the date in exercise of powers under section 44(3)(i), the date of special meeting was fixed on 29.4.2026 at 11 a.m. As would be evident from the noting of the peon on 21.4.2026, the information about the meeting going to be convened on 29.4.2026 at 11 a.m. was given to the Pramukh on 21.4.2026. 20 elected Panchayat Samiti members participated in the meeting on 29.4.2026 and the no confidence motion was passed by 18 votes to 2 in favour of the motion. It is further submitted that further directions have been given by the Joint Election Commissioner, State Election Commission, Bihar to the District Officer-cum-District Election Officer (Panchayat), East Champaran to conduct the election for Pramukh of Block Harsiddhi.



8. Learned counsel for the respondents State of Bihar further submitted that notice of the meeting having been served on the Pramukh on 21.4.2026, there was seven clear days between the date of service of notice and the date fixed for considering the no confidence motion ie 29.4.2026. On 29.4.2026, the no confidence motion was passed by 18 out of 20 elected members participating and thus by a majority of the total elected members which is 26. Thus, there being no merit in the writ application, the same be dismissed.

9. Mr. S.B.K. Manglam, learned counsel appearing for the requisitionists/private respondents opposing the application submitted that all efforts having been made to present the requisition for calling special meeting to consider the no confidence motion against the Pramukh by the requisitionists to the Pramukh and they not having succeeded, they served the original as also a copy of the same as required under section 44(1) of the Act before the B.D.O.-cum-Executive Officer. The attempts even by the B.D.O. to get the notice served on the Pramukh on 1.4.2026 at her office and on 2.4.2026 at her residence failed on account of her refusal and thereafter the requisition was pasted on the front gate and photographs taken. It is submitted that the petitioner accepts having received the



notice through electronic means and has also brought a copy of the same on record as Annexure P/4 to the writ application. After repeated attempts and inspite of service, no date of special meeting having been fixed, in exercise of powers under section 44(3)(i) of the Act, the date of special meeting was fixed for 29.4.2026 and the same was communicated by the Executive Officer to all the Panchayat Samiti members including the Pramukh by letter dated 20.4.2026. The notice was served on the Pramukh on 21.4.2026. After clear seven days of the service of notice, the special meeting was convened on 29.4.2026 wherein 20 Panchayat Samiti members participated and 18 voted in favour of no confidence motion. Thus with a majority of the elected members ie 18 out of 26 having voted to oust the Pramukh and the entire procedure having been followed in accordance with law, there is no merit in the instant application and the same be dismissed.

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

11. The relevant facts in brief are that in the Block Panchayat Samiti consisting of total 26 members, the petitioner was elected as a member of the Panchayat Samiti on 1.12.2021 and later as the Pramukh on 13.3.2024. On 1.4.2026, a



notice/requisition signed by 17 members of the Panchayat Samiti and addressed to the Pramukh requested the Pramukh to call for a special meeting to consider the no confidence motion against her on the grounds that she had acted arbitrarily by not calling the meeting of the Panchayat Samiti on time, giving preference to close associates in the standing committee, the resolution passed by the Panchayat Samiti not being implemented, tampering with the resolutions of the Panchayat Samiti, the funds being received for development not being distributed equitably, majority of the meetings being conducted not by the Pramukh but by her son and creating obstacles in the working of Panchayat Samiti. It transpires from the records that the requisitionists went to the official chamber of the Pramukh on 1.4.2026 to present the requisition, however she was absent. Thereafter they went to her residence but she refused to meet the requisitionists.

12. It is the case of the requisitionists that the son of the Pramukh was present at the petitioner's residence and was ready to start a quarrel. Avoiding any scuffle, the requisitionists returned and sent the original requisition along with the photocopy of the same to the Executive Officer. It further transpires that the Executive Officer on 1.4.2026 itself sent the



requisition through a peon to the Pramukh, however she once again refused to receive and the same was sent on 2.4.2026 to her house which was also refused. Thereafter the same was pasted at her house and photographs taken. The process was repeated on 3.4.2026 as also on 4.4.2026.

13. No meeting having been fixed by the Pramukh as required under section 44(3) of the Act, on 20.4.2026, the requisitionists fixed the date for special meeting on 29.4.2026 and requested the Executive Officer to issue notice of the special meeting to all the elected members. Accordingly, a notice dated 20.4.2026 was issued by the Executive Officer and it was received by the Pramukh on 21.4.2026. The special meeting took place on 29.4.2026 wherein 20 of the total 26 elected members participated and the no confidence motion was passed against the Pramukh with 18 votes being cast in favour of the motion, being majority of the total elected members which is 26.

14. So far as the contention of learned counsel for the petitioner that large number of persons have not signed on the requisition and their signatures have been forged, it may only be observed here that no such persons/requisitionists/respondents have appeared before this Court with any material in support of



the said contention made by the petitioner. Thus, the same has no legs to stand on.

15. The next contention of the learned counsel for the petitioner is that the requisition was not presented to the Pramukh as required under section 44(3) of the Act and thus the same is not sustainable. From the contents of the affidavits on record it will clearly be evident that attempt was made by the requisitionists to present the requisition to the Pramukh on 1.4.2026 both at her office as also her residence. Thereafter the Executive Officer sent the notice to her several times between 1.4.2026 and 3.4.2026. On the petitioner's refusal, the notice was pasted on the wall of the petitioner's residence and photographs taken.

16. So far as the judgment relied upon by the learned counsel for the petitioner is concerned, in the case of *Sindhu Devi* (supra), the very notice of the requisition did not indicate the grounds and the basis on which the action for motion of no confidence was contemplated. The charges and the allegations not having been mentioned in the requisition and the motion for no confidence having been passed by a majority even in absence of any charges, this Court held that it would not be the rule of a majority but would be mobocracy. The facts of this case are



clearly distinguishable in so far as the charges/allegations against the petitioner/Pramukh are clearly mentioned in the requisition dated 1.4.2026.

17. In the case of *Arti Kumari* (supra), this Court noted that if a requisition though addressed to the Pramukh but if rooted through Executive Officer-cum-B.D.O. to be presented to the Pramukh, the same has been held to be an illegal procedure adopted by the requisitionists. So far as the facts of the instant case is concerned, the requisitionists have clearly stated that they made repeated attempts to present the requisition to the Pramukh and inspite of all efforts, having failed, the requisition was got served through the Executive Officer. The Pramukh having refused the service through the Executive Officer also lead to pasting of the requisition in the residence of the Pramukh. Thus, this judgment is of no assistance to the petitioner.

18. The judgment in the case of *Santosh Kumar Rai* (supra) is also of no assistance to the petitioner in so far as there is detailed averment on affidavit both by the requisitionists/private respondents as also the Executive Officer-cum-B.D.O., firstly that the requisitionists attempted to present the requisition to the Pramukh and the requisitionists not having



succeeded either at the Pramukh's office or her residence, the original as also a copy of the same was provided to the Executive Officer who also made attempts to get the same served. Ultimately the Pramukh having refused to receive the requisition, the same was finally pasted on her house and photographs taken.

19. This Court in the case of ***Ramendra Ram vs. The State of Bihar; 2014(4) PLJR 413*** has categorically held that 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 but all that is required is that the requisition should reach him. Relevant paragraphs of the judgment read 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.

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.”

20. In the case of ***Priyanka Devi vs. The State of Bihar*** (order dated 17.2.2026 in LPA no.941 of 2024), a Division Bench of this Court 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 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."

21. As held in the case of **Priyanka Devi** (supra), so far as the facts of the instant case are concerned, herein also section 44(3) of the Act requires the requisition to be presented by the requisitionists to the Pramukh but there is no requirement that the same be presented personally.

22. In view of the above, taking into consideration the facts and circumstances of the case wherein the Pramukh against whom the no confidence motion is moved avoids service of notice, he/she in a given case may defeat the purpose and indefinitely delayed the convening of the special meeting to consider the no confidence motion.



23. So far as the facts of the instant case is concerned, not only the requisitionists moved to present the requisition on the Pramukh on 1.4.2026 but repeated attempts were made at both her office as also her residence firstly by the requisitionists and then on several dates between 1.4.2026 to 3.4.2026 by the Executive Officer who sent the requisition in original through a peon. On repeated refusal to receive the notice, the requisition was pasted at the house of the Pramukh, photographs taken and on the Pramukh not fixing the date for special meeting, the members of the Panchayat Samiti fixed the meeting which was communicated by the Executive Officer by his notice dated 20.4.2026. The notice was received by the Pramukh on 21.4.2026.

24. As fixed, the special meeting took place on 29.4.2026 wherein 20 Panchayat Samiti members participated and 18 voted in favour of the no confidence motion. Thus, the position remains that the no confidence motion has been voted by a majority (18 out of 26) of the total elected members against the Pramukh.

25. The Court finds no illegality in either the requisition dated 1.4.2026 of the 17 requisitionists, the letter dated 20.4.2026 of the Executive Officer fixing the special meeting or



the proceedings of the special meeting held on 29.4.2026.

26. The Court finds no merit in the instant writ application
and the same is dismissed.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	07.07.2026
Uploading Date	15.07.2026
Transmission Date	N/A

