IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.828 of 2024
In
Civil Writ Jurisdiction Case No.2567 of 2024

CNR No. BRHC010820572024

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Madhubala Devi Wife of Rampyare Prasad, resident of Village-Koindi, Post-Badauna, P.S. Chainpur, District-Kaimur at Bhabua.

... ... Appellant/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 District Magistrate, Kaimur at Bhabua.
4. The District Panchayat Raj Officer, Bhabua, District-Kaimur at Bhabua.
5. The Sub-Divisional Officer, Bhabua, District-Kaimur at Bhabua.
6. The Block Development Officer cum Executive Officer, Block-Chainpur, District-Kaimur at Bhabua.
7. The Block Panchayat Raj Officer, Chainpur, District-Kaimur at Bhabua.
8. Rinku Devi, Wife of Munna Paswan, Resident of Village-Amaon, P.S. Chainpur, District-Kaimur at Bhabua.
9. Dhanrawati Devi, Wife of Rama Pasi, Resident of Village-Masoi, P.S. Chainpur, District-Kaimur at Bhabua.
10. Babita Devi, Wife of Shyama Nand Upadhyay, Resident of Village-Karjee, P.S. Chainpur, District-Kaimur at Bhabua.
11. Teeja Devi, wife of Bashishtha Paswan, resident of Village-Nawdiha, P.S.-Chainpur, District-Kaimur at Bhabua.
12. Sunaina Kumari, Wife of Kamlesh Kumar Chaurasiya, Resident of Village-Jagaria, P.S. Chainpur, District-Kaimur at Bhabua.
13. Urmila Kumari, Wife of Bashishtha Singh, Resident of Village-Damodarpur, P.S. Chainpur, District-Kaimur at Bhabua.
14. Suraj Kumar Prajapati, Son of Kripal Prajapati, Resident of Village-Sherpur, P.S. Chainpur, District-Kaimur at Bhabua.
15. Md. Asif Khan, son of Sarfraj Khan, Resident of Village-Nawghara, P.S. Chainpur, District-Kaimur at Bhabua.
16. Firoj Khan, son of Ishrar Khan, Resident of Village-Danrwa, P.S. Chainpur, District-Kaimur at Bhabua.
17. Kanhaiya Singh, son of Umashankar Singh, Resident of Village-Ishiya, P.S. Chainpur, District-Kaimur at Bhabua.
18. Laljee Paswan, son of Shivnath Paswan, Resident of Village-Mahula, P.S. Chainpur, District-Kaimur at Bhabua.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Awnish Kumar, Advocate Mr. SB..K. Manglam, Advocate Mr Vikash Kumar Singh, Advocate
For the Respondent/s	:	Mr.Abhiyuday Anand, Advocate Mr. Prakash Chandra agrawal, GA 5

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

11 27-10-2026 The interpretation of Section 44(3)(i) of the Bihar Panchayat Raj Act, 2006, is the issue to be decided in the instant appeal. Section 44(3)(i) reads as follows:

> ***"(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 specially 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*

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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. The Executive Officer shall necessarily issue such notice in time and convene the meeting. No such meeting shall be postponed once the notice for 46 the same has been issued. No quorum shall be required for the special meeting convened to discuss no confidence motion."

2. A plain reading of the statutory provision suggests that, for the removal of a Pramukh or Up-Pramukh, a resolution is required to be passed at a special meeting by a majority of the total number of elected members of the Panchayat Samiti.

3. The appellant/writ petitioner was the Pramukh of Chainpur Block Panchayat Samiti in the district of Kaimur, against whom a no-confidence motion was moved. It is

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contended on behalf of the appellant that, at the relevant point of time, there were 21 elected members of the Panchayat Samiti. In the said meeting, 15 members were present, and they voted for/against the no-confidence motion against the Pramukh/appellant.

4. The Presiding Officer found that eleven valid votes had been cast against the Pramukh and declared that the no-confidence motion had been passed, on the ground that it had secured the support of a majority of the elected members present and voting at the meeting.

5. The said decision was examined by the District Magistrate, Kaimur, upon remand by this Hon'ble Court under Section 57 of the Bihar Panchayat Raj Act, 2006. The District Magistrate found that ten valid votes had been cast against the Pramukh/appellant. The District Magistrate held that a majority of the total number of elected members of the Panchayat Samiti had not voted against the Pramukh and, accordingly, set aside the order declaring the post of Pramukh vacant.

6. The members of the Panchayat Samiti, being aggrieved by the order of the District Magistrate, filed CWJC No. 2567 of 2024 before the learned Single Judge.

7. The learned Single Judge, relying upon the decision

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of this Court in ***Dharamshila Kumari & Ors. v. Hemant Kumar & Ors.***, reported in ***2021 (3) PLJR 346*** held that the post of Pramukh was deemed to have been vacated upon the no-confidence motion being carried by a majority of the members present and voting, and not by a majority of the total number of elected members of the Panchayat Samiti. Accordingly, the writ petition was allowed, and the post of Pramukh was held to have been vacated.

8. The private respondent/Pramukh has preferred the instant appeal challenging the order passed by the learned Single Judge.

9. At the time of hearing of the appeal, learned counsel appearing on behalf of the appellant referred to the decision of the Hon'ble Supreme Court in ***Rashmi Singh v. State of Bihar and Sangeeta Devi v. State of Bihar and Others***, decided on 10th March 2026 in ***Civil Appeal Nos. 3309 and 3310 of 2026,*** reported in ***MANU/SC/0289/2026***, wherein the decision of the Hon'ble Supreme Court in Full Bench in ***Dharamshila Kumari (supra)*** was considered. In paragraphs 45 and 46 of the said judgment, the Hon'ble Supreme Court held as follows:

*"**45**. We, thus, find that the text of Section 70(4) is plain and clear,*

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> *and it falls in line with the underlying legislative intent. Accordingly, we hold that an Adhyaksha or Up-Adhyaksha can be removed only if the resolution of no-confidence is supported by more than half of the total number of elected members for it to pass. This interpretation is warranted not only by the expressions used in the provision but also is directed at protecting the democratic integrity of the framework of local self-governance in the State of Bihar.*
>
> ***46**. At the cost of repetition, this finding would also apply analogously to Section 44(3). The opinion of the Full Bench of the High Court, as given in the Impugned Judgment, is thus held to be erroneous in law."*

10. In view of the judgment passed by the Hon'ble Supreme Court in the aforesaid case, the decision in ***Dharamshila Kumari (supra)*** stands modified, and the position presently is that the post of Pramukh can be vacated only upon strict compliance with the provisions contained in Section 44(3) (i) of the Bihar Panchayat Raj Act, 2006.

11. We find that the learned Single Judge had no

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occasion to consider the decision of the Hon'ble Supreme Court in ***Rashmi Singh (supra)***.

12. Therefore, the rule of propriety demands that the matter be remitted to the learned Single Judge for reconsideration of the decision passed in CWJC No. 2567 of 2024 passed on 30.07.2024 in the light of the judgment passed by the Hon'ble Supreme Court in ***Rashmi Singh v. State of Bihar and Others.***

13. Accordingly, we set aside the order passed in CWJC No. 2567 of 2024 dated 30.07.2024 and remit the case to the learned Single Judge for fresh reconsideration of the writ petition in the light of the aforesaid decision of the Hon'ble Supreme Court.

14. Accordingly, the appeal stands disposed of.

(Bibek Chaudhuri, J)

(Rana Vikram Singh, J)

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