

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15001 of 2025

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Ranju Devi wife of Birendra Kumar @ Birendra Kumar Shekhar, Resident of
Village- Pararia, Ward No. 15, P.S. Sonbarsa, District-Saharsa (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The Sub-Divisional Officer, Saharsa, District- Saharsa.
6. The Block Development Officer, Sonbarsa-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, District- Saharsa.
7. Minu Devi, wife of Anil Sah, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
8. Umesh Mistri, son of Harilal Mistri, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
9. Dhirendra Ram, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
10. Chandan Thakur, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
11. Gauri Kumari, wife of Mithu Rajak, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
12. Arvind Kumar Sharma, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
13. Anirudh Prasad Yadav, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
14. Ramjee Mukhiya, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
15. Chanda Devi, wife of Shambhu Yadav, the members of Block Panchayat



- Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
16. Lalita Devi, wife of Gajendra Sah, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 17. Kumari Khusbhu Devi, wife of Rajnikant Kumar, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 18. Niro Devi, wife of Shiv Kumar Bhagat, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 19. Sulekha Devi, wife of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 20. Rubi Kumari, wife of Chandan Yadav, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 21. Soni Kumari, wife of Balkrishna Jha, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 22. Chandradev Mandal, son of not known to the petitioner. the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 23. Aazad Kumar, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 24. Rani Bharti, wife of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 25. Kashi Sah, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 26. Shankar Kumar, son of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
 27. Anuradha Devi, wife of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.



28. Sarita Devi, wife of not known to the petitioner, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.
29. Beauty Kumari, wife of Bhushan Yadav, the members of Block Panchayat Samiti, Sonbarsa, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, P.S. Sonbarsa, District-Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Advocate
For the Respondent/s : Government Pleader (19)
Mr. S.B.K. Manglam, Advocate
Mr. Awnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 14-05-2026 Heard learned counsel for the petitioner, learned
counsel for the State of Bihar and learned counsel for the
respondents/requisitionists.

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

“1. (i) For issuance of writ in the nature of Certiorari for quashing of the Letter dated 06.09.2025 vide letter No. 1141-2Annexure-P/17), issued under the signature of Executive Officer, (Panchayat Samiti)-cum-Block Development Officer, Sonbarsa, Saharsa (Respondent No. 6), whereby and where under, a request has been made to fix the date for convening the Special Meeting with respect to consider of want of No Confidence Motion, which is not permissible in pursuance of direction issued in the Special Leave to Appeal (C) No. (S) No. 12490 of 2024 and the same is in complete violation of Section-44 (3) of the Bihar Panchayat Raj Act, 2006 as well as Section-10 of Bihar Panchayat Raj (Amendment) Act, 2015 and also to quash the other referential letter vide letter No. 2017 dated 04.09.2025 issued by the District



Panchayat Raj Officer, Saharsa.

(ii) For issuance of writ in the nature of Certiorari for quashing the requisition dated NIL (No date) directly received by No. 6. the Block Respondent Development Officer, Sonbarsa-cum-Executive Officer, Block Panchayat Samiti, Sonbarsa, District- Saharsa received on 27.08.2025 addressed to the post of Pramukh, not the person, who holds the post of Pramukh without presenting the requisition for such Special Meeting to the Petitioner in writing in complete teeth of Section-44(3)(1) of the Bihar Panchayat Raj Act, 2006, the said resolution directly given to the Executive Officer, (Panchayat Samiti)-cum-Block Development Officer, Sonbarsa, whereby and whereunder, a request has been made from Respondent No. 6 (Executive Officer) by the requisitionists /some of the members of the Panchayat Samiti, Sonbarsa out of total 24 Panchayat Samiti (elected) in complete violation of direction issued by Joint Secretary, Panchayati Raj Department, Government of Bihar, Patna vide Letter dated 23.01.2025 contained in Memo No. 1376 addressed to the all District Magistrates, Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad and all the District Panchayat Raj Officer, Bihar by referring the Diary No. 672/2025 (Chitra Kumari Vs. State of Bihar and Others) by annexing the order dated 15.01.2025 passed by the Hon'ble Apex Court, whereby and where under the State of Bihar and its authorities are directed to differ all the Second motions till further orders are passed by this Court.

(iii) For a declaration that if a particular Statute has prescribed a particular procedure for certain act, the act has to be done in the manner prescribed. Since the requisitionists members have presented the impugned requisition directly to the Respondent No. 6, neither presented to the Pramukh nor addressed by specific containing the name of the person, who holds the



post of Pramukh/Up-Pramukh, Sonbarsa Block, Saharsa but the same has been presented before the Block Development Officer Sonbarsa-cum-Executive Officer, Panchayat Samiti, Sonbarsa ignoring the fact that No Confidence Motion shall be brought against the Pramukh, who holds the post and the same is against the procedure prescribed under Sub-Section 3 (i) and 3 (ii) of Section 44 of the Gram Panchayat Act, 2006 and the direction given by the Joint Secretary, Panchayati Raj Department, Government of Bihar, Patna in light of the order dated 15.01.2025 passed in Diary No. 672/2025 quoting the gist of the order of the Apex Court, by making mal practices, the requisition so submitted by the requisitionists is not a valid requisition in the eye of law and in absence of the same, the entire proceeding/procedures adopted against the petitioner for want of No Confidence Motion is null and void, therefore, no further action is required to be taken in pursuance, thereto, because law is very clear that No Confidence Motion shall not be moved / brought against the Pramukh / Up Pramukh twice in the whole tenure of the Pramukh / Up Pramukh.

(iv) For staying the operation of the communication dated 06.09.2025 vide Letter No. 1141-2 issued by the Respondent No. 6 to fix the date for convening the Special Meeting for want of 20 No Confidence Motion in pursuance of the requisition dated 27.08.2025 after lapse of 9 days and also the entire procedures adopted by the Respondents against the petitioner for want of No Confidence Motion in complete violation of the mandatory requirements embodied in the statute and also in violation of the direction issued by the competent authorities of the Panchayati Raj Department, Government of Bihar, Patna in pursuance of the direction / order of the Hon'ble Apex Court.

(v) For any other relief/reliefs for which the petitioner is entitled for in the facts and



circumstances of the case.”

3. The case of the petitioner in brief is that the respondents moved a requisition for calling a special meeting to consider the no confidence motion against the petitioner, an elected *pramukh*. The same was not presented to the petitioner as required under the Bihar Panchayat Raj Act, 2006 but was received by the Executive Officer on 27.8.2025 and the Executive Officer wrote to the petitioner on 6.9.2025 asking the petitioner to call a meeting to consider the no confidence motion against him. Subsequently, by letter dated 24.9.2025, the Executive Officer cum Block Development Officer, Sonbarsa fixed the date of meeting for considering the no confidence motion as 3.10.2025 at 11:30 am.

4. The petitioner by way of this writ application has challenged the requisition (Annexure-P/3) calling for the no confidence motion and received by the Executive Officer on 27.8.2025, the letter dated 6.9.2025 (Annexure-P/17) of the Executive Officer as also the letter dated 24.9.2025 (Annexure-P/22) fixing the date of meeting as 3.10.2025 in the instant writ application.

5. The grounds for challenge by the petitioner are that in violation of the provisions contained in section 44(3) of the



Bihar Panchayat Raj Act, 2006, the requisition should have been presented to the *pramukh*/petitioner which was not done, the charges are vague and the date of special meeting was fixed very strategically as 3.10.2025, there being Durga Puja holidays in between.

6. Learned counsel for the petitioner has made elaborate submissions with respect to the provisions of the Bihar Panchayat Raj Act, 2006 and the various affidavits filed by the requisitionists/respondents showing their malafide etc.

7. Bereft of unnecessary details, it may be mentioned here that learned counsel appearing for the requisitionists/respondents submits that having considered the matter and finding that there being a possibility that this Court may find substance in the submissions made by learned counsel for the petitioner as also there is no strict compliance of the provisions of section 44 of the Act, it is submitted that the prayer made in the writ application be allowed and the requisition as also the orders fixing the date of meeting etc be all set aside.

8. At this stage, learned counsel for the petitioner, inspite of submission of learned counsel for the respondents to allow the case still presses the writ application and submits that



he has a number of submissions to make. When the writ application itself is being allowed, no further submissions are required to be made.

9. Having heard learned counsel for the parties and having perused the material on record and especially the submissions made by learned counsel for the requisitionists/respondents, the orders impugned ie the requisition contained in Annexure-P/3 as also the letter dated 24.9.2025 fixing the date of special meeting for considering the no confidence motion against the petitioner as 3.10.2025 are both set aside.

10. The writ application is allowed.

(Partha Sarthy, J)

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