

IN THE HIGH COURT OF JUDICATURE AT PATNA

Sangeeta Devi & Anr.

Versus

The State of Bihar & Ors.

Letters Patent Appeal No.125 of 2024

In

Civil Writ Jurisdiction Case No.- 1726 of 2024

[With LPA No.- 146/2024 in CWJC No.- 1439/2024; CWJC No.- 1507/2024; CWJC No.- 1521/2024; CWJC No.- 1851/2024; CWJC No.- 2516/2024; CWJC No.- 2717/2024; CWJC No.- 2733/2024; CWJC No.- 4315/2024; CWJC No.- 5497/2024; CWJC No.- 5788/2024]

16 May, 2024

(Hon'ble the Chief Justice & Hon'ble Mr. Justice Ashutosh Kumar & Hon'ble Mr. Justice Harish Kumar)

Issue for Consideration

Whether the "no confidence" motion against a *Adhyaksh* or *Upadhyaksh* of Zila Parishad would be successfully carried out by a majority of the total number of directly elected members from the territorial constituencies of Zila Parishad or by the majority of the directly elected members present and voting?

Headnotes

Bihar Panchayat Raj Act, 2006----section 70----"No Confidence" Motion against a *Adhyaksh* or *Upadhyaksh* of Zila Parishad---issue for consideration in present matter is whether the "no confidence" motion against a *Adhyaksh* or *Upadhyaksh* of Zila Parishad would be successfully carried out by a majority of the total number of directly elected members from the territorial constituencies of Zila Parishad or by the majority of the directly elected members present and voting.

Held: section 70(4) of the Act provides that *Adhyaksh* and *Upadhyaksh* would be deemed to have vacated their offices forthwith if a resolution expressing want of confidence in them is passed by a majority of total number of directly elected members from the territorial constituencies of the Zila Parishad at a meeting especially convened for the purpose----

the phrase “at a meeting especially convened for the purpose” has to be read as a necessary adjunct to the earlier part of the provision viz. the majority of the total of the directly elected members----number which is conceived of for majority is the number of members who would be present in the meeting, especially convened for the purposes of discussing the "no confidence" motion----each of the members of the Zila Parishad have a right to vote in its meetings, but in case of election and removal of *Adhyaksh* and *Upadhyaksh*, only the members directly elected from the territorial constituencies in the district have a right to vote----majority of votes as prescribed in Section 70 of the Act is thus of directly elected members at a meeting especially convened for the purpose as Section 70 (4) provides that no such meeting which has been so especially convened, would be postponed and no quorum shall be required for the special meeting convened to discuss the "no confidence" motion----difficulty appears to have arisen in a truncated reading of Section 70 (4) (1) of the Act that *Adhyaksh* and *Upadhyaksh* shall be deemed to have vacated his office forthwith, if a resolution expressing want of confidence in him is passed by a majority of total number of directly elected members from territorial constituencies of the Zila Parishad and not reading the latter part of the sentence, namely, at a meeting especially convened for the purpose and a stand-alone provision that no quorum shall be required for the special meeting convened to discuss the "no confidence" motion----a requisition for "no confidence" motion can be brought by the approval of not less than 1/5th of the total number of directly elected members of the Zila Parishad---the motion is required to be put to vote on the same day after discussions which has to take place by secret ballot in the prescribed manner by the District Magistrate---thus, for a motion of "no confidence" to be carried out successfully, the requirement is of the majority of the members present and voting and not majority of the total of the elected members of the Zila Parishad----reference answered accordingly. (Para 14, 15, 17, 18, 19, 29, 34, 36, 41)

Case Law Cited

Sarita Kumari vs. The State of Bihar and Others, L.P.A. No. 940 of 2008

.....Overruled.

Dharamsheela Kumari Vs. Hemant Kumar and Ors., (2021) 3 PLJR 346

.....Upheld.

Azmal Imam Vs. The State of Bihar, (2011) 5 SCC 729; Sultana Begum Vs. Premchand Jain, (1197) 1 SCC 373Referred To.

List of Acts

Bihar Panchayat Raj Act, 2006; The Constitution of India

List of Keywords

Bihar Panchayat Raj---- No Confidence Motion against a *Adhyaksh* or *Upadhyaksh* of Zila Parishad----Requirements of the 'no confidence' motion---- majority of the total number of directly elected members----- majority of the directly elected members present and voting---- meeting especially convened for the purpose---- quorum for meeting--- right to vote--- tool of interpretation.

Case Arising From

Matter was referred to the Full Bench for resolution of conflicting judgments pertaining to requirements of "No Confidence" Motion against a *Adhyaksh* or *Upadhyaksh* of Zila Parishad.

Appearances for Parties

(In Letters Patent Appeal No. 125 of 2024)

For the Appellant/s : Mr. K.N. Choubey, Sr. Adv.; Mr. Sanjeev Kumar Singh, Adv.; Mr. Umakant Prasad, Adv.

For the State: Mr. P.K. Shahi, AG; Mr. Ajay, GA-5; Mr. Amish Kumar, AC to AG;

For the Zila Parishad, Siwan: Mr. Dhananjay Kumar, Adv.;

For the Respondent Nos. 8 -18: Mr. Y.V. Giri, Sr. Adv.; Mr. Suraj Samdarshi, Adv.; Mr. Vijay Shanker Tiwary, Adv.; Mr. Rohit Singh, Adv. Mr. Avinash Shekhar, Adv.

(In Letters Patent Appeal No. 146 of 2024)

For the Appellant/s: Mr. Kumar Harshvardhan, Adv.

For the State: Mr. GA-5 Mr. Niranjana Kumar, Adv.; Mr. Surya Partap Kumar, Adv

(In Civil Writ Jurisdiction Case No. 1507 of 2024)

For the Petitioner/s: Mr. Niranjana Kumar, Adv. ; Mr. Ravi Raj, Adv.

For the State: Mr. Ajay, GA-10

(In Civil Writ Jurisdiction Case No. 1521 of 2024)

For the Petitioner/s: Mr. Awnish Kumar, Adv.

For the State: Mr. GP-27

(In Civil Writ Jurisdiction Case No. 1851 of 2024)

For the Petitioner/s: Mr. Awnish Kumar, Adv.

For the State: Mr. Khurshid Alam, AAG-12

(In Civil Writ Jurisdiction Case No. 2516 of 2024)

For the Petitioner/s: Mr. Mirityunjay Kumar, Adv.

For the State: Mr. P.K. Shahi, AG; Mr. Anjani Kumar, AAG-4; Mr. Alok Kumar Rahi, AC to AAG-4; Mr. Amit Kumar Jha, AC to AAG-4; Mr. Utkarsh Bhushan, Adv.

(In Civil Writ Jurisdiction Case No. 2717 of 2024)

For the Petitioner/s: Mr. Suraj Samdarshi, Adv.; Mr. Vijay Shanker Tiwary, Adv.; Mr. Rohit Singh, Adv.; Mr. Avinash Shekhar, Adv.

For the State: Mr. Mujtabaul Haque, GP-12; Mr. Manish Kumar, AC to GP-12; Mr. Ajit Kumar Singh, Adv.

(In Civil Writ Jurisdiction Case No. 2733 of 2024)

For the Petitioner/s: Mr. Suraj Samdarshi, Adv.; Mr. Vijay Shanker Tiwary, Adv.; Mr. Rohit Singh, Adv.; Mr. Avinash Shekhar, Adv.

For the State: Mr. Syed Hussain Majeed, AC to SC

Mr. Suneil Kumar Thakur, Adv.

(In Civil Writ Jurisdiction Case No. 4315 of 2024)

For the Petitioner/s: Mr. Pushkar Narain Shahi, Sr. Adv.; Mr. Shivam, Adv.; Mr. Sanjay Kumar, Adv.;

For the State : Mr. AAG-13

For the SEC : Mr. Ravi Ranjan, Adv.; Mr. Girish Pandey, Adv.

(In Civil Writ Jurisdiction Case No. 5497 of 2024)

For the Petitioner/s: Mr. Pushkar Narain Shahi, Sr. Adv.; Mr. Shivam, Adv.

For the Respondent No.9: Mr. Lalit Kishore, Sr. Adv.; Mr. Ayush Kumar, Adv.; Ms. Kanishka Shankar, Adv. ; Mr. Ranjeet Choubey, Adv.

For the State: Mr. Raghwanand, GA-11; Mr. Rajnish Shandilya, AC to GA-11; Mr. Pratik Kumar, AC to GA-11

For the SEC: Mr. Ravi Ranjan, Adv. ; Mr. Girish Pandey, Adv.

(In Civil Writ Jurisdiction Case No. 5788 of 2024)

For the Petitioner/s: Mr. Akshansh Ankit, Adv.

For the State: Mr. Sushil Kumar, GP-22 ; Mr. Narendra Kumar Singh, AC to GP-22

Headnotes Prepared by: Ghanshyam

Judgment/Order of the Hon'ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.125 of 2024

In

Civil Writ Jurisdiction Case No.1726 of 2024

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1. Sangeeta Devi wife of Jairam Yadav, resident of Village Sarsa, P.S. Dhanauli, District Siwan, at present Member, Zila Parishad, Siwan.
 2. Chand Tara Khatoon wife of Muslim Ansari, resident of Village Manian, P.S. Jiradai, District Siwan, at present Member, Zila Parishad, Siwan.

... .. Appellant/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector cum District Magistrate, District Siwan.
5. The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Siwan.
6. The Additional Chief Executive Officer, Zila Parishad, Siwan.
7. The District Panchayati Raj Officer, Siwan.
8. Punam Kumari Singh wife of Kuldeep Singh, resident of Village and PO Aalapur, P.S. Pachrukhi, District-Siwan.
9. Kamla Devi, Wife of Aiiit Singh Resident of Village and PO-Laheji, P.S. M H Nagar, District Siwan.
10. Rajnish Gond, Son of Jai Prakash Gaur, Resident of Village and PO Shahpur, P.S. Nawtan, District Siwan.
11. Ramesh Kumar Singh, Son of Naga Kuwar, Resident of Village-Madaarpur, PO Kishunpura, P.S.- Lakri Nabiganj, District-Siwan.
12. Dhurendar Prasad, Son of Yogendra Parasad, Resident of Village- Rohra Kala, PO- Kailgadh, P.S.- Badhariya, District-Siwan.
13. Sharda Devi, Wife of Awadhesh Mahto, Resident of Village and PO- Bhagar, P. S.- Siswan, District- Siwan.



14. Nitu Devi, Wife of Shambhu Singh, Resident of Village Vaishakhi, P.O.- Hardia, P.S.- OP Sarai, District-Siwan.
15. Ramdular Verma, Son of Jagarnath Prasad, Resident of Village and P.O.- Satwar, P.S.- GB Nagar (Tarwara), District- Siwan.
16. Asha Devi, Wife of Raj Kishore Singh, Resident of Village-Bajitpur, PO Goriyakothi, P.S. Goriyakothi, District Siwan.
17. Urmila Dev, Wife of Tribhuvan Singh, Resident of Village- Siktiya, P.O.- Kishunpura, P.S.- Jamo, District- Siwan.
18. Brajesh Kumar Ray @ Brajesh Kumar Singh, Son of Rajendra Ray, Resident of Village and PO Jagdishpur, P.S.-Siswan, District- Siwan.
19. Fazle Ali, Son of Jamaluddin Ahmad, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
20. Urmila Devi, Wife of Dhurendra Manjhi, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
21. Sindhu Devi, Wife of Swaminath Sah, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
22. Baby Devi, Wife of Jyotish Kumar, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
23. Usha Devi, Wife of Vidhyasagar Baitha, Member of the Zila Parishad, Siwan. through the Chief Executive Officer, Zila parishad.
24. Haruni Mahto, Son of Sukun Mahto, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
25. Babita Devi, Wife of Mukesh Yadav, Member or the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
26. Pramod Kumar, son of Prithviraj Gupta, Member of the Zila Parishad, Siwan, through Chief Executive Officer, Zila parishad.
27. Umesh Kumar, Son of Parmeshwar Manjhi, Member of the Zila Parishad, Siwan, through Chief Executive Officer, Zila parishad.
28. Vinod Kumar Singh Son of Nayan Prasad Singh Member of theZiia Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
29. Sushil Kumar Son of Bhuneshwar Rai, Member of the Zila Parishad, Siwan, through Chief Executive Officer, Zila parishad.
30. Babita Devi, Wife of Momendra Rai, Member of the Zila Parishad, Siwan, through Chief Executive Officer, Zila parishad.
31. Dharmendra Kumar Yadav, Son of Gauri Shankar Yadav, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.



- 32. Nagina Yadav, Son of Bhagrasan Yadav, Member of the Zila Parishad, Siwan, through Chief Executive Officer, Zila parishad.
- 33. Chotelal Yadav, Son of Kameksha Yadav, Member of the Zila Parishad, Siwan, through Chief Executive Officer, Zila parishad.
- 34. Reena Devi, Wife of Awadh Bihari Singh, Member of the Zila Parishad, Siwan, through Chief Executive Officer, Zila parishad.
- 35. Arvind Kumar Yadav, Son of Rajesh Kumar Yadav, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila Parishad.
- 36. Manju Devi, wife of Jaggu Yadav, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 37. Amrita Devi, Wife of Harilal Gupta, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 38. Anita Devi, Wife of Late Sant Amta Ram, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 39. Sheela Devi, Wife of Dharmendra Kumar, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 40. Kahkasa Firdosh, Wife of Sonu Seraj Ahmad, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila Parishad
- 41. Shayma Suhail, Wife of Md. Suhail, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 42. Bandna Devi, Wife of Hemant Singh Kushwaha, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 43. Manoj Baitha, Son of Bishwanath Baitha, Member of the Zila Parishad, Siwan, through the Chief Executive Officer. Zila parishad.
- 44. Chandrika Ram, Son of Innar Ram, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 45. Mohammad Hanif, Son of Shahmuddin Miya, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.
- 46. Renu Yadav, Wife of Jaymangal Yadav, Member of the Zila Parishad, Siwan, through the Chief Executive Officer, Zila parishad.

... .. Respondent/s

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with



Letters Patent Appeal No. 146 of 2024
In
Civil Writ Jurisdiction Case No.1439 of 2024

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1. Ramawati Devi W/o Barrister Chowdhury, Resident of Village-Barari Jagdish, P.S.-Thawe, Dist-Gopalganj.
 2. Abida Khatoon W/o Md. Sohrab, resident of Village-Phataha, P.S.-Gopalganj, Dist-Gopalganj, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Thawe, District-Gopalganj.
5. The State Election Commission of Bihar through The Election Commissioner, Bihar, Patna.
6. The Director Panchayati Raj Department, Government of Bihar, Patna.
7. The Sub Divisioanl Officer, Thawe, Dist-Gopalganj.
8. Kiran Devi, wife of Vinay Pratap Singh, Member, Block Panchayat Samiti, Thawe, Resident of Village-Bhusao, PS-Thawe, District-Gopalganj.
9. Shabina Khatoon wife of Firoz Ahmad, Member, Block Panchayat Samiti, Thawe, Resident of Village-Inderwa Bairam, PS-Gopalganj, District-Gopalganj.
10. Savita Devi, wife of Om Prakash Manjhi, Member, Block Panchayat Samiti, Thawe, Resident of Village-Lachhwar, PS-Thawe, District-Gopalganj.
11. Faiz Akhtar, son of Iliyas Ahmad, Member, Block Panchayat Samiti, Thawe, Resident of Village-Jagmalwa, PS-Thawe, District-Gopalganj.
12. Afsana Praveen, W/o Late Sarfaraz Ahmad, resident of Village-Bagahan, Saida, P.S.-Thawe, Dist-Gopalganj.

... .. Respondent/s

with



Civil Writ Jurisdiction Case No. 1507 of 2024

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Rinku Devi wife of Dinkar Chaudhary, resident of Village-Singhia Makanpur,
Ward No. 5, P.S. Gopalpur, Naugachhiya, District-Bhagalpur, Bihar-853204.

... .. 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, Bhagalpur.
5. The Sub Divisional Officer, Gopalpur, District-Bhagalpur.
6. The Block Development Officer, Gopalpur cum Executive Officer, Block Panchayat Samiti, Gopalpur, District-Bhagalpur.
7. Babumani Yadav, son of Bharat Yadav, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
8. Mala Devi, Wife of Umesh Singh, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
9. Dhananjay Singh, Son of not known, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
10. Deepak Kumar, son of Akhileshwar Prasad Sharma, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
11. Manoj Kumar Das, Son of Narayan Ravi Das, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
12. Md. Tetar, son of Md. Kamruddin member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.



- 13. Dhananjay Kumar, son of Naresh Yadav, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
- 14. Manoj Jha, son of Jai Bhadar Jha, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
- 15. Annu Kumari, wife of Pawan Kumar, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
- 16. Ragani Devi, wife of Saket Bihari, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
- 17. The State Election Commission Patna through its Secretary.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1521 of 2024

- 1. Sheela Devi @ Sheela Kumari Wife of Sri Shashi Ranjan Kumar, resident of village - Kalhua @ Kolhua, P.O. Kolhua, P.S. Sahajitpur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
- 2. Bhagwan Rai, Son of Gariba Rai, Resident of Village - Rajauli, P.O. Berui, P.S. Baniyapur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
- 3. Mokhtar Rai, Son of Bhairav Rai, resident of village- Dhauri, P.O. Sarmi, P.S. Sahajitpur, District - Saran at Chapra.The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
- 4. Gulab Thakur, Son of Gudri Thakur, resident of village- Shreepur, P.O. Maricha, P.S. Sahajitpur, District - Saran at Chapra.The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran



at Chapra.

5. Pintu Kumar Pandit, Son of Mahanth Pandit, resident of Village and P.O. - Pipra, P.S. - Sahajitpur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
6. Santosh Rai, Son of Pancham Rai, Resident of village - Ibrahimpur, P.O. Harpur, P.S. Baniyapur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
7. Pawan Kumar, son of Om Prakash Sharma, resident of village - Bhumihara, P.O. - Harpur, P.S. - Baniyapur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
8. Anil Kumar Sharma, Son of Rameshwar Sharma, Resident of village - Katsa, P.O. Madarpur, P.S. - Sahajitpur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
9. Ramawati Devi, Wife of Manindra Mahto, resident of village- Chhapiyan, P.O. Isuapur, P.S. Baniyapur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
10. Sarita Devi, Wife of Janak Kumar Singh, resident of village and P.O. Bhithi Sahabuddin, P.S. Baniyapur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
11. Urmila Devi, Wife of Vikas Kumar Thakur, resident of village - Khabsa, P.O. Khabsi, P.S. - Baniyapur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
12. Punkali Devi, Wife of Bindhyachal Sah, resident of Village and P.O. Laubakala, P.S. Baniyapur, District - Saran at Chapra. The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
13. Bhairav Pandey, Son of Janardan Pandey, resident of village and P.O. Usti, P.S. Baniyapur, District - Saran at Chapra. The elected member of Block



Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.

- 14. Umrawati Devi, Wife of Amardeo Kumar Pandit, resident of village and P.O. Piparpati, P.S. Sahajitpur, District - Saran at Chapra.The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
- 15. Gayatri Devi, Wife of Murari Kumar Singh, resident of village - Karah, P.O. Harpur, P.S. Baniyapur, District - Saran at Chapra.The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
- 16. Nirmala Devi, Wife of Raj Kumar Sah, resident of village - Ramdhanaw, P.O. - Dhanaw, P.S. Baniyapur, District - Saran at Chapra.The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
- 17. Arti Devi, Wife of Bhuar Ram, resident of village - Bhusaon, P.O. Hariharpur, P.S. Baniyapur, District - Saran at Chapra.The elected member of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
- 2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
- 3. The District Magistrate, Saran at Chapra, District - Saran at Chapra.
- 4. The Superintendent of Police, Saran at Chapra, District - Saran at Chapra.
- 5. The District Panchayat Raj Officer, Saran at Chapra, District - Saran at Chapra.
- 6. The Sub-Divisional Officer, Chapra Sadar, District - Saran at Chapra.
- 7. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, District - Saran at Chapra.
- 8. The Block Panchayat Raj Officer, Baniyapur, District - Saran at Chapra.
- 9. The Station Head Officer, Baniyapur, District - Saran at Chapra.
- 10. Smt. Manjusha Ojha, Wife of Sri Mani Bhushan Ojha, presently Pramukh of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran



at Chapra.

11. Sri Diwakar Kumar Tiwary, son of not known to the petitioners, Presently Up-Pramukh of Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
12. Mani Bhushan Dubey, son of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
13. Ashok Kumar Gupta, son of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
14. Tribhuwan Sah, son of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
15. Braj Nandan Prasad, son of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
16. Uttam Kumar Singh, son of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
17. Raj Kumar Ram, son of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
18. Nitish Kumar Prasad, son of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
19. Paramshila Devi, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O.



- and P.S. Baniyapur, District - Saran at Chapra.
20. Suthari Devi, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
 21. Bhagmani Devi, Wife of Rajdeo Ram, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
 22. Julekha Praveen, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
 23. Baby Khatoon, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
 24. Anita Devi, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
 25. Dhanita Devi, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
 26. Usha Devi, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.
 27. Sheorato Devi, Wife of not known to the petitioners, The elected members of Block Panchayat Samiti, Baniyapur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Baniyapur, P.O. and P.S. Baniyapur, District - Saran at Chapra.

... .. Respondent/s



with

Civil Writ Jurisdiction Case No. 1851 of 2024

1. Nasiruddin son of Late Latifur Rahman, resident of Village-Sikorna Purab Tola, P.O. Jhawa, P.s. Kadwa, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
2. Md. Shahid Akhtar, Son of Sk. Amantullah, resident of Village and P.O. Hassanganj, P.s. Hassanganj, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
3. Abdus Salam, son of Abdul Hafiz, resident of Village-Hariharpur, P.O. Salmari, P.s. Azam Nagar, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
4. Masood Khatoon, wife of Late Firoz Ahmad, resident of Village-Jokar, P.O. Palsa, P.s. Azam Nagar, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
5. Saidum Nisha, wife of Md. Mustafa, resident of Village-Shah Nagar, P.O. Gauripur, P.s. Pranpur, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
6. Anjum Ara, wife of Manzoor Alam, resident of Village-Garbheli, P.O. Katihar, P.s. Katihar, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
7. Shabana Praveen, wife of Shariq Ahmad Khan, resident of Village-Kabar, P.O. Kabar, P.s. Barari, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
8. Manvvar Iam @ Mawaar Alam, son of Ashamul, resident of Village-Singhol, P.O. Siktia, P.s. Azam Nagar, District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
9. Nirmala Kumari, wife of Pratap Kumar Mandal, resident of Village-Meghu Tola, P.O. Gopalpur Diyara, P.s. Amdabad District-Katihar. elected member of Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.



2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Katihar, District-Katihar.
4. The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, District-Katihar.
5. Smt. Rashmi Singh, wife of not known to the petitioner, presently Adhyaksh, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
6. Smt. Ishrat Praveen, wife of not known to the petitioner, presently Up-Adhyaksh, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
7. Gayatri Kumari, wife of not known to the petitioner elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
8. Rita Sah, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
9. Vandana Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
10. Jamila Khatoon, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
11. Komal Kumari, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
12. Umesh Kumar Yadav, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
13. Gunsagar Paswan, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum



- Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
14. Priyanka Devi, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 15. Sumati Devi, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 16. Fulmani Hembrum, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 17. Jahan Ara Begum, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 18. Mukesh Kumar, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 19. Asha Suman, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 20. Md. Muddsir, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 21. Ashok Singh, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 22. Nizamuddin son of not known to the petitioner, elected member of Zila



- Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
- 23. Kudartoon Nisha, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 - 24. Abdul Hasan, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 - 25. Tabassum Praveen, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 - 26. Md. Gulzar, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 - 27. Masud Begum, wife of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.
 - 28. Nazamul Haque, son of not known to the petitioner, elected member of Zila Parishad, Katihar through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Katihar, P.O. and P.S. Katihar, District-Katihar.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 2516 of 2024

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Fula Jahan Begam Wife of Mahfuj Alam, Member Panchayat Samiti
Panchayat, Makimpur, Resident of Mukimpur, Post Office and Police Station-
Garkha, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayat Raj
Department, Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The District Panchayat Raj Officer, Saran.
4. The Sub Divisional Officer, Chapra, Saran.
5. The Block Development Officer cum Executive Magistrate Garkha, Saran.
6. Smt. Reni Devi, Wife of Harendra Mahto, Member Panchayat Samiti,
Mahamada, Area 6, Resident of Mahamada, Police Station- Garkha, District-
Saran.
7. Sunaina Devi Wife of Krishna Singh, Member Panchayat Samiti, Panchayat
Mahmadpur, Area-15, Resident of Mahmadpur, Police Station Garkha,
District- Saran.
8. Usha Devi Wife of Devnarayan Rai, Member Panchayat Samiti, Panchayat-
Motirajpur, Area-1, Resident of Pathra, Post Office- Rasidpdur, Police
Station- Garkha, District- Saran.
9. Tasiran Bibi Wife of Niyamat Ali, Member Panchayat Samiti, Panchayat,
Motirajpur, Area-2, Resident of Motirajpur, Post Office- Saiyad Sarai, Police
Station- Garkha, District- Saran.
10. Rita Devi, Wife of Ranjeet Kumaar Rai, Member Panchayat Samiti,
Panchayat Sadhpur, Area- 3, Resident of Sadhpur, Police Station- Garkha,
District- Saran.
11. Geeta Devi Wife of Jai Prakash Singh, Member Panchayat Samiti,
Panchayat Ferusa, Area-4, Resident of Belbaniyan, Police Station- Garkha,
District- Saran.
12. Kaushilya Devi Wife of Pramod Kumar Rai, Member Panchayat Samiti,
Panchayat Ferusa, Area-5, Resident of Paharpur, Police Station- Garkha,
District-Saran.
13. Loknath Sah Son of Bal Chand Sah, Member Panchayat Samiti, Panchayat
Pirauna (Dhaga), Resident of Pwrauna, Police Station- Garkha, District-



Saran.

14. Lakshmina Devi Wife of Sainik Rai Member Panchayat Samiti, Panchayat- Perauna, Area-8, Resident of Sarbadih, Post Office- Pirauna, Police Station- Garkha, District- Saran.
15. Asha Devi Wife of Raja at, Member Panchayat Samiti, Panchayat- Sargatti, Area-9, Resident of Aloni, Post Office and Police Station Garkha, District- Saran.
16. Babita Devi, Wife of Anil Ram, Member Panchayat Samiti, Panchayat- Bajitpur, Area-11, Resident of Bajitpur, Police Station- Garkha, District- Saran.
17. Priti Devi Wife of Tunne Prasad, Member Panchayat Samiti, Panchayat- Garkhja, Area-12, Resident of Garkha, Post Office and Police Station- Garkha, District- Saran.
18. Mukesh Kumar Singh Son of Khud Ramjee Singh, Member, Panchayat Samiti, Panchayat- Garkha, Area-13, Resident of Garkha, Post Office and Police Station- Garkha, District- Saran.
19. Babita Devi, Wife of Dulaar Chand Kumar Mahto, Member Panchayat Samiti, Panchayat- Tuithepur, Area-14, Resident of Thithepur, Post Office and Police Station- Garkha, District- Saran.
20. Bablu Kumar Rai Son of Rajendra Rai, Member Panchayat Samiti, Panchayat- Mahamadpur, Area-16, Resident of Muhammadpdur, Police Station- Garkha, District- Saran.
21. Dharmendra Rai Son of Jai Mangal Rai, Member Panchayat Samiti, Panchayat- Hasanpura, Area-17, Resident of Kucha, Police Station- Garkha, District- Saran.
22. Mamta Kumari Wife of Santosh Kumar Singh, Member, Panchayat Samiti, Panchayat Hasanpura, Area-18, Resident of Pindari, Post Office Gopur, Police Station- Garkha, District- Saran.
23. Nili Devi Wife of Rajesh Kumar Singh, Member Panchayat Samiti, Panchayat- Mirpur Zuara, Area- 19, Resident of Mirpur Juara, Police Station- Awatarnagar, District- Saran.
24. Kanti Devi Wife of Satyadev Kumar Singh, Member Panchayat Samiti, Panchayat- Kothiya, Area-20, Resident of Mirpur Juara, Police Station- Awatarnagar, District- Saran.
25. Abhay Kumar Singh Son of Ugarsen Singh, Member Panchayat Samiti,



- Panchayat- Kothiya, Area 21, Resident of Madanpur, Police Station- Awatarnagar, District- Saran.
26. Savita Devi Wife of Jitendra Bhagat, Member Panchayat Samiti, Panchayat- Rampur, Area 22, Resident of Rampur, Police Station- Garkha, District- Saran.
27. Kiran Devi Wife of Ajay Singh, Member Panchayat Samiti, Panchayat- Itawan, Area- 23, Resident of Baikunthpur, Post Office- Rahmanpur, Police Station- Garkha, District- Saran.
28. Jai Prakash Prasad Son of Narsimha Mahto, Member Panchayat Samiti, Panchayat- Itawan, Area 24, Resident of Rahampur, Police Station- Garkha, District- Saran.
29. Surendra Manjhi Son of Shatrudhan Manjhi, Member Panchayat Samiti, Panchayat- Kudarbhada, Area- 25, Resident of Kudarbhada, Police Station Garkha, District- Saran.
30. Ajeet Kumar Son of Arjun Prasad Yadav, Member Panchayat Samiti, Panchayat- Jalal Basant, Area- 26, Resident of Mohrampur, Police Station- Garkha, District- Saran.
31. Jai Prakash Ram Son of Ram Pravesh Ram, Member Panchayat Samiti, Panchayat- Jalal Basant, Area- 27. Resident of Jalal Basant, Post Office Basant, Police Station- Garkha, District- Saran.
32. Akhilesh Kumar Patel Son of Shatruhan Singh, Member Panchayat Samiti, Panchayat- Shripal Basant. Area- 28, Resident of Shripal Basant, Post Office- Basant, Police Station- Garkha, District- Saran.
33. Deepak Kumar Son of Jai Nandan Rai, Member Panchayat Samiti, Panchayat- Shripal Basant, Area- 29, Resident of Bhuigoun, Police Station- Garkha, District- Saran.
34. Rajesh Kumar Manjhi Son of Arjun Manjhi, Member Panchayat Samiti, Panchayat- Miorzapur, Area- 31, Resident of Manohar, Police Station- Garkha, District- Saran.
35. Rakesh Kumar Son of Shiv Narayan Rai, Member Panchayat Samiti, Panchayat- Panchpatiya, Area- 32, Resident of Chota Jhoua, Police Station- Awatarnagar, District- Saran.
36. Sanjeet Kumar Son of Shri Maheshwar Singh, Member Panchayat Samiti, Panchayat- Panchpatiya, Area- 33, Resident of Devariya, Police Station- Awatarnagar, District- Saran.



- 37. Chandravati Devi Member Panchayat Samiti, Panchayat- Naraoo, Area- 34, Resident of Naraoo, Police Station- Awatarnagar, District- Saran.
- 38. Sangeeta Devi Wife of Jalandhar Thakur, Member Panchayat Samiti, Panchayat- Mauzampur, Area- 35, Resident of Mauzampur, Police Station- Awatarnagar, District- Saran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2717 of 2024

- 1. Parash Kumar Ray Son of Tekan Ray Resident of Village Mahammadpur, P.S. Kadwa, District Katihar, Bihar.
- 2. Md. Masud Alam Son of Mohamamd Mustak Alam Resident of Village- Bijhara, P.S. Balia Belown, District-Katihar.
- 3. Parashuram Mandal Son of Dhanshyam Mandal Resident of Nijhra, P.S. Kadwa, District-Katihar.
- 4. Mohit Kumar Chouhan Son of Damodar Chouhan Resident of Village- Kambaro, P.S. Kadaw, District-Katihar.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Additional Chief Secretary Department of Panchayati Raj, Government of Bihar, Patna.
- 2. The Additional Chief Secretary , Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
- 3. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
- 4. The Collector-Cum-District Magistrate, District Katihar.
- 5. The Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
- 6. The District Panchayat Raj Officer, Katihar.
- 7. Mantu Ravidas Son of Not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.



8. Shahnaaz Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
9. Sahida Begum Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
10. Ina Devi Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
11. Seema Rani Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
12. Mohammad Wasim Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
13. Masnara Khatoon Wife of Not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
14. Husne Ara Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
15. Mahenoor Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
16. Beauty Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
17. Naseri Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
18. Afsana Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
19. Robina Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer,



Panchayat Samiti, Kadwa, Katihar.

20. Sita Devi Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
21. Kavita Devi Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
22. Nahela Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
23. Rozana Katoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
24. Md. Kaishar Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
25. Nurefa Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
26. Chaman Yadav Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
27. Deepnarayan Vishwas Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
28. Rita Devi Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
29. Geeta Devi Wife of Not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
30. Nahera Khatoon Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
31. Mahfooz Rehman Son of not Known Members of the Panchayat Samiti,



- through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
32. Ranjit Kumar Sah Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
33. Rupa devi Wife of Not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
34. Taslim Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
35. Awadesh Kumar Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
36. Rajendra Kumar Kewat Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
37. Francis Marandi Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
38. Mohammad Ajfarool Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
39. Sikandar Son of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
40. Dilip Kumar Mandal Son of Not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
41. Mohammad Zaid Anjum Wife of Not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.
42. Manti Devi Wife of not Known Members of the Panchayat Samiti, through the Block Development Officer Cum Chief Executive Officer, Panchayat Samiti, Kadwa, Katihar.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2733 of 2024

Anil Kumar Son of Bhikhari Singh, resident of village- Machhahi, P.S. Sakra,
District Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-cum-District Magistrate, District - Muzaffarpur.
5. The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Muzaffarpur.
6. The District Panchayat Raj Officer, Muzaffarpur.
7. Reena Kumari, Wife of Pramod Kumar, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
8. Nirupama Singh, Wife of Rahul Raj, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
9. Abhishek Kumar, Son of Umeshchandra Thakur, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
10. Naveen Kumar Shah, Son of Ragho Sah, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
11. Sangeet Paswan, Son of Paltan Paswan, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.



Muzaffarpur.

12. Santlal Paswan, Son of Munshi Paswan, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
13. Ramamand Ojha, Son of Late Satyanarayan Ojha, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
14. Priyanka Kumari, Wife of Sushil Kumar, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
15. Sangeeta Devi, Wife of Ram Iqbal Ram, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
16. Girija Choudhary, Wife of Pramod Kumar Choudhary, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
17. Nirmala Devi, Wife of Rampravesh Singh, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
18. Fanish Kumar, Son of Late Baidynath Thakur, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
19. Rajesh Kumar Sahni, Son of Mahendra Sahni, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
20. Kiran Devi, Wife of Suresh Prasad, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
21. Archana Kumari, Wife of Sarvesh Kumar, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
22. Poonam Devi, Wife of Shankar Mahto, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
23. Neha Tiwari, Wife of Pankaj Kumar, Member of the Zila Parishad,



- Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
24. Renu Devi, Wife of Mohan Prasad Keshri, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 25. Savitri Devi, Wife of Devendra Kunwar, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 26. Alok Kumar Upadhyay, Son of Jyoti Narayan Upadhyay, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 27. Vinod Kumar Singh, Son of Kameshwar Singh, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 28. Lalita Devi, Wife of Tulsi Rai, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 29. Renu Devi, Wife of Prithvi Nath Rai, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 30. Asha Devi, Wife of Shri Shankar Prasad, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 31. Nashaba Khatoon, Wife of Md. Rahmatullah Rhai, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 32. Bipin Sahi, Son of Virendra Prasad Shahi, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 33. Gayatri Jaiswal, Wife of Shankar Choudhary, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 34. Prem Kumar, Wife of Chandrdev Prasad Gupta, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
 35. Abha Thakur, Wife of Sunil Kumar, Member of the Zila Parishad,



- Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
36. Rani Kumar, Wife of Ravindra Kumar, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
37. Meena Devi, Wife of Umesh Sah, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
38. Asif Iqbal, Son of Ataur Rehman, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
39. Kundan Kumar, Son of Late Ganesh Prasad Singh, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
40. Radha Devi, Wife of Vinay Kumar, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
41. Asha Choudhary, Wife of Uma Shankar Choudhary, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
42. Vibha Devi, wife of Ambika Ram, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
43. Pankaj Lal, Son of Devendra Ram, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
44. Priyadarshani Shahi, Wife of Shyamdev Prasad Sahi, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
45. Om Prakash Kumar, Son of Rambali Sah, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
46. Rajan Devi, Wife of Arun Sahni, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
47. Vinod Kumar, Son of Ramchandra Rai, Member of the Zila Parishad,



- Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
48. Himanshu Kumar, Son of Chandrabhushan Gupta, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
49. Sanju Kumari, Wife of Anish Prasad Sahi, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
50. Richa Kumari, Wife of Pawan Kumar Bharti, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
51. Aslam Ansari, son of Ahmad Gaffar, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
52. Pooja Kumari, Wife of Dharmendra Mandal, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
53. Rajeev Kumar, Son of Arun Kumar Singh, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
54. Ishrat Parveen, Wife of Md. Bakhtayaar Ahmad, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
55. Kiran Kumari, Wife of Sitaram Sah, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
56. Sangeeta Devi, Wife of Vijay Kumar Bhagat, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
57. Vijnesh Yadav, Son of Jitendra Yadav, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.
58. Neelam Devi, Wife of Ajay Paswan, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.



59. Suresh Prasad Yadav, Son of Harihar Rai, Member of the Zila Parishad, Muzaffarpur, through the Chief Executive Officer, Zila Parishad, Muzaffarpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4315 of 2024

1. Akbar Hussain Ansari Son of Ishak Hussain Ansari, Resident of Village-Munji, P.S.-Karakat, District-Rohtas.
2. Fuljharo Devi, Wife of Shivnath Singh, Resident of Village-Bensagar, P.S.-Karakat, District-Rohtas.
3. Raj Nath Kumar, son of Prabha Shankar, Resident of Village-Gamharia Baad, P.S.-Karakat, District-Rohtas.
4. Mamta Kumari, wife of Santosh Kumar Bharti, Resident of Village-Gamharia Baad, P.S.-Karakat, District-Rohtas.
5. Sita Devi, wife of Vinod Kumar Singh, Resident of Village-Dr. Markandey, P.S.-Karakat, District-Rohtas.
6. Usha Devi, wife of Anjani Singh, Resident of Village-Kechua, P.S.-Karakat, District-Rohtas.
7. Sanmita Devi, wife of Pintu Sao, Resident of Village-Sakela, P.S.-Karakat, District-Rohtas.
8. Bindu Kumari, Wife of Raja Kumar, Resident of Village-Kirhi, P.S.-Karakat, District-Rohtas.
9. Sarita Devi, wife of Sudeshwar Chaudhary, Resident of Village-Sikriya, P.S.-Karakat, District-Rohtas.
10. Satish Kumar Singh, son of Vireshwar Dayal, Resident of Village-Amauna, P.S.-Karakat, District-Rohtas.
11. Rajesh Kumar Rai, son of Ram Prasad Rai, Resident of Village-Gujru, P.S.-Karakat, District-Rohtas.
12. Mohit Kumar, son of Shyam Kishore Singh, Resident of Village-Basdiha Nasriganj, P.S.-Karakat, District-Rohtas.
13. Nisha Bharti, wife of Dilip Kumar, Resident of Village-Parsar, P.S.-Karakat, District-Rohtas.



14. Satyendra Kumar Mishra, son of Shiv Bilash Mishra, Resident of Village-
Gorakh Parasi, P.S.-Karakat, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Panchayati Raj
Department, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, Rohtas (Sasaram).
3. The District Panchayati Raj Officer, Rohtas (Sasaram).
4. The Executive Officer (Panchayat Samiti)-cum-The B.D.O. Karakat, Rohtas.
5. Baijanti Devi, wife of Ram Narayan Paswan, Resident of Village-Jorarpur,
P.O.-Baradih, P.S.-Karakat, District-Rohtas.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5497 of 2024

Kumari Stuti W/o Ravindra Kumar, resident of Village-Kandap, P.S.-
Gaurichak, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Bihar, Patna.
3. The Principal Secretary, Department of Panchayati Raj, Bihar, Patna.
4. The Principal Secretary, Department of General Administration Bihar, Patna.
5. The District Magistrate, Patna.
6. The Chief Executive Officer, Zila Parishad, Patna.
7. Sanju Devi Wife of Ranjit Kumar, Resident of village Purani Panapur, P.S.
Danapur, District Patna.
8. Guddi Devi Wife of Raj Kumar Singh, Resident of village Dhibra, P.S.
Shahpur, Danapur, District Patna.
9. Asha Devi (Vice Chairperson) Wife of Narendra Kumar, Resident of village
Anandpur, P.S. Bihta, District Patna
10. Sanjay Kumar Son of Bhim Chaudhary, Resident of village Kanhauli, P.S.



Bihta, District Patna.

11. Sobha Devi, Wife of Kamlesh Prasad, Resident of village Raginiya Bagh, P.S. Naubatpur, District Patna.
12. Chintu Kumar Son of Sushil Prasad, Resident of village Babhanlai, P.O. Lai, P.S. Bihta, District Patna.
13. Md. Mumtaz Ansari Son of Kalamuddin Ansari, Resident of village Pirhi, P.O. Dihuli, P.S. Dulhin Bazar, District Patna.
14. Sarvesh Kumar Son of Muneshwar Singh, Resident of village Mahabalipur, P.O. Dihuli, P.S. Dulhin Bazar, District Patna.
15. Shiv Kumar Singh. Son of Late Jagdip Yadav, Resident of village Madhwa, P.O. Sehra, P.S. Paliganj, District Patna.
16. Mithilesh Kumar Singh, Son of Dhananjay Singh, Resident of village Bela, P.O. Bara Koriham, P.S. Paliganj, District Patna.
17. Ram Narayan Son of Sukhdev Pd. Yadav, Resident of village Gullitand, P.O. Makhmilpur, P.S. Paliganj, District Patna.
18. Upendra Kumar Son of Bindeshwar Bind, Resident of village Bihta, P.O. Bindauli, P.S. Bhagwanganj, District Patna.
19. Rajni Devi Wife of Suman Kumar, Resident of village Jat Dumri, P.O. Jat Dumri, P.S. Punpun, District Patna.
20. Rukmani Devi Wife of Ashok Kumar, Resident of village Lahladpur, P.O. Mohanpur, P.S. Gaurichak, District Patna.
21. Manju Devi Wife of Uma Nath Ram, Resident of village Kajara, P.O. Kacchi Dargah, P.S. Didarganj, District Patna.
22. Indu Devi Wife of Kailash Ravidas, Resident of village Taraura, P.S. Daniyawa, District Patna.
23. Anju Devi Wife of Kumar Rajnish, Resident of village Lahladpur, P.S. Gaurichak, District Patna.
24. Rubi Kumari Wife of Vishal Kumar Village Govindpur, P.S. Khusrupur Baikathpur, District Patna.
25. Bhola Mahto Son of Ramji Mahto, Resident of village Dedaur, P.S. Bakhtiyarpur, District Patna.
26. Ragni Kumari Wife of Amit Bharti, Resident of village Gopkita, P.O. Pandarak, P.S. Pandarak, District Patna.
27. Anita Singh Wife of Jitendra Pd. Singh, Resident of village Murgiyachak, P.O. Ajgara, P.S. Pandarak, District Patna.
28. The State Election Commissioner, Through its Secretary 3rd Floor Sone



Bhawan, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5788 of 2024

Ragini Kumari wife of Sri Amit Bharti, resident of village- Gopkitta,
Pandarak, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, District - Patna.
4. The Deputy Development Commissioner -cum- Chief Executive Officer, Zila Parishad, District- Patna, Patna.
5. The District Panchayati Raj Office, District Patna.
6. The Zila Parishad, District Patna through its Chief Executive Officer.
7. The State Election Commission, Bihar, Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
8. The Secretary, State Election Commission, Bihar, Sone Bhawan, Birchand Patel Path, Patna.
9. The Officer on Special Duty, State Election Commission, Bihar, Sone Bhawan, Birchand Patel Path, Patna.
10. Kumari Stuti, wife of Sri Ravindra Kumar, elected member (Samaptchak Constituency No. 27), Zila Parishad, Patna through its Chief Executive Officer.
11. Punam Devi, wife of Sri Prasanth Kumar, elected member (Maner Constituency No. 01), Zila Parishad, Patna through its Chief Executive Officer.
12. Gita Devi, wife of Sri Bhuvan Pratap Azad, elected member (Maner East Constituency No. 02), Zila Parishad, Patna through its Chief Executive Officer.



13. Sanju Devi, wife of Sri Ranjit Kumar, elected member (Danapur North Constituency No. 03), Zila Parishad, Patna through its Chief Executive Officer.
14. Guddu Devi, wife of Sri Raj Kumar Singh, elected member (Danapur South Constituency No. 04), Zila Parishad, Patna through its Chief Executive Officer.
15. Asha Devi, wife of Sri Nagendra Kumar, elected member (Bihta North Constituency No. 05), Zila Parishad, Patna through its Chief Executive Officer.
16. Bima Devi, wife of Dasrath Kumar, elected member (Bihta Central Constituency No 06). Zila Parishad, Patna through its Chief Executive Officer.
17. Sanjay Kumar, son of Bhim Choudhary, elected member (Bihta South Constituency No. 07), Zila Parishad, Patna through its Chief Executive Officer.
18. Shobha Devi, son of Kamlesh Prasad, elected member (Naubatpur North Constituency No. 08), Zila Parishad, Patna through its Chief Executive Officer.
19. Nagendra Kumar, son of Sri Rambalak Verma, elected member (Naubatpur Central Constituency No. 09), Zila Parishad, Patna through its Chief Executive Officer.
20. Ramesh Chaudhary, son of Sri Bifan Chaudhary, elected member (Naubatpur South Constituency No. 10), Zila Parishad, Patna through its Chief Executive Officer.
21. Chintu Kumar, son of Sri Sushil Prasad, elected member (Bikram North Constituency No. 11), Zila Parishad, Patna through its Chief Executive Officer.
22. Vishal Kumar, son of Sri Jaleshwar Paswan, elected member (Bikram South Constituency No. 12), Zila Parishad, Patna through its Chief Executive Officer.
23. Md. Mumtaz Asari, wife of Kalimuddn Ansari, elected member (Dulhin Bazar North Constituency No. 13), Zila Parishad, Patna through its Chief Executive Officer.
24. Sarvesh Kumar, son of Sri Muneshwar Singh, elected member (Dulhin Bazar South East Constituency No 14), Zila Parishad, Patna through its



Chief Executive Officer.

25. Shivkumar Singh, son of Late Jagdip Yadav, elected member (Paliganj North East Constituency No. 16), Zila Parishad, Patna through its Chief Executive Officer.
26. Mithilesh Kumar Singh, son of Sri Dhanraj Singh, elected member (Paliganj South West Constituency No. 17), Zila Parishad, Patna through its Chief Executive Officer.
27. Upendra Kumar, son of Sri Bindeshwar Bind, elected member (Masaurhi North Constituency No. 19), Zila Parishad, Patna through its Chief Executive Officer.
28. Uday Kumar, son of Sri Subhash Chandra Singh, elected member (Masaurhi Central Constituency No 20), Zila Parishad, Patna through its Chief Executive Officer.
29. Savita Devi, wife of Sri Vijay Kumar, elected member (Masaurhi South-Constituency No 21), Zila Parishad, Patna through its Chief Executive Officer.
30. Chandan Kumar, son of Sri Devendra Singh, elected member (Dhanarua North Constituency No. 22), Zila Parishad, Patna through its Chief Executive Officer.
31. Rekha Devi, wife of Sri Birendra Kumar, elected member (Dhanarua South West Constituency No. 23), Zila Parishad, Patna through its Chief Executive Officer.
32. Urmila Devi, wife of Sri Bhupendra Kumar Singh, elected member (Dhanarua South West - Constituency No. 24), Zila Parishad, Patna through its Chief Executive Officer.
33. Rajni Devi, wife of Sri Suman Kumar, elected member (Punpun South Constituency No. 25), Zila Parishad, Patna through its Chief Executive Officer.
34. Rukmani Devi, wife of Sri Ashok Kumar, elected member (Punpun East Constituency No. 26), Zila Parishad, Patna through its Chief Executive Officer.
35. Dipak Kumar, son of Sri Ashok Manjhi, elected member (Phulwarisharif West Constituency No. 28), Zila Parishad, Patna through its Chief Executive Officer.
36. Anita Devi, Sri Ajit Kumar Paswan, elected member (Phulwarisharif East



- Constituency No. 29), Zila Parishad, Patna through its Chief Executive Officer.
37. Manju Devi, wife of Sri Umanath Ram, elected member (Patna Sadar East - Constituency No. 31), Zila Parishad, Patna through its Chief Executive Officer.
38. Indu Devi, wife of Sri Kaushal Ravidas, elected member (Danyawan North West Constituency No. 32), Zila Parishad, Patna through its Chief Executive Officer.
39. Anju Devi, wife of Sri Kumar Rajnish, elected member (Fatuah North West Constituency No. 33), Zila Parishad, Patna through its Chief Executive Officer.
40. Amit Raj, son of Sri Ranjay Kumar, elected member (Fatuha South West Constituency No. 34), Zila Parishad, Patna through its Chief Executive Officer.
41. Rubi Kumari, wife of Sri Vishal Kumar, elected member (Khurupur Constituency No. 35), Zila Parishad, Patna through its Chief Executive Officer.
42. Runi Devi, wife of Sri Arun Kumar, elected member (Bakhtiyarpur West Constituency No. 36), Zila Parishad, Patna through its Chief Executive Officer.
43. Bhola Mahto, son of Sri Ramji Mahto, elected member (Bakhtiyarpur East Constituency No. 37), Zila Parishad, Patna through its Chief Executive Officer.
44. Rehana Parveen, wife of Md. Khalilullah Munsri, elected member (Athmalgola Constituency No 38), Zila Parishad, Patna through its Chief Executive Officer.
45. Ravindra Paswan, son of Sri Rambalak Paswan, elected member (Belchi Constituency No. 39), Zila Parishad, Patna through its Chief Executive Officer.
46. Vijay Kumar, son of Sri Chandar Ram, elected member (Barh West Constituency No. 40), Zila Parishad, Patna through its Chief Executive Officer.
47. Vijay Shankar, son of Sri Rameshwar Singh, elected member (Barh East Constituency No. 41), Zila Parishad, Patna through its Chief Executive Officer.



- 48. Anita Singh, wife of Sri Jitendra Prasad Singh, elected member (Pandarak South Constituency No. 43), Zila Parishad, Patna through its Chief Executive Officer.
- 49. Rekha Devi, wife of Sri Manoj Kumar, elected member (Ghoswari Constituency No. 44), Zila Parishad, Patna through its Chief Executive Officer.
- 50. Kumar Navnit Himanshu, son of Sri Kesar Paswan, elected member (Mokama West Constituency No. 45), Zila Parishad, Patna through its Chief Executive Officer.
- 51. Ramnarayan Prasad, son of Sri Sukhdev Pd. Yadav, elected member (Paliganj South West Constituency No. 18), Zila Parishad, Patna through its Chief Executive Officer.
- 52. Kamal Kishore Prasad, son of Sri Yugal Kishore Prasad, elected member (Mokama East - Constituency No. 46), Zila Parishad, Patna through its Chief Executive Officer.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 125 of 2024)

- | | | |
|-------------------------------|---|--|
| For the Appellant/s | : | Mr. K.N. Choubey, Sr. Adv.
Mr. Sanjeev Kumar Singh, Adv.
Mr. Umakant Prasad, Adv. |
| For the State | : | Mr. P.K. Shahi, AG
Mr. Ajay, GA-5
Mr. Amish Kumar, AC to AG |
| For the Zila Parishad, Siwan | : | Mr. Dhananjay Kumar, Adv. |
| For the Respondent Nos. 8 -18 | : | Mr. Y.V. Giri, Sr. Adv.
Mr. Suraj Samdarshi, Adv.
Mr. Vijay Shanker Tiwary, Adv.
Mr. Rohit Singh, Adv.
Mr. Avinash Shekhar, Adv. |

(In Letters Patent Appeal No. 146 of 2024)

- | | | |
|---------------------|---|---|
| For the Appellant/s | : | Mr. Kumar Harshvardhan, Adv. |
| For the State | : | Mr. GA-5
Mr. Niranjana Kumar, Adv.
Mr. Surya Partap Kumar, Adv. |



(In Civil Writ Jurisdiction Case No. 1507 of 2024)

For the Petitioner/s : Mr. Niranjan Kumar, Adv.
Mr. Ravi Raj, Adv.

For the State : Mr. Ajay, GA-10

(In Civil Writ Jurisdiction Case No. 1521 of 2024)

For the Petitioner/s : Mr. Awnish Kumar, Adv.

For the State : Mr. GP-27

(In Civil Writ Jurisdiction Case No. 1851 of 2024)

For the Petitioner/s : Mr. Awnish Kumar, Adv.

For the State : Mr. Khurshid Alam, AAG-12

(In Civil Writ Jurisdiction Case No. 2516 of 2024)

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv.

For the State : Mr. P.K. Shahi, AG
Mr. Anjani Kumar, AAG-4
Mr. Alok Kumar Rahi, AC to AAG-4
Mr. Amit Kumar Jha, AC to AAG-4
Mr. Utkarsh Bhushan, Adv.

(In Civil Writ Jurisdiction Case No. 2717 of 2024)

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
Mr. Vijay Shanker Tiwary, Adv.
Mr. Rohit Singh, Adv.
Mr. Avinash Shekhar, Adv.

For the State : Mr. Mujtabaul Haque, GP-12
Mr. Manish Kumar, AC to GP-12
Mr. Ajit Kumar Singh, Adv.

(In Civil Writ Jurisdiction Case No. 2733 of 2024)

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
Mr. Vijay Shanker Tiwary, Adv.
Mr. Rohit Singh, Adv.
Mr. Avinash Shekhar, Adv.

For the State : Mr. Syed Hussain Majeed, AC to SC
Mr. Suneil Kumar Thakur, Adv.

(In Civil Writ Jurisdiction Case No. 4315 of 2024)

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr. Adv.
Mr. Shivam, Adv.
Mr. Sanjay Kumar, Adv.

For the State : Mr. AAG-13

For the SEC : Mr. Ravi Ranjan, Adv.



Mr. Girish Pandey, Adv.

(In Civil Writ Jurisdiction Case No. 5497 of 2024)

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr. Adv.
Mr. Shivam, Adv.
For the Respondent No.9: Mr. Lalit Kishore, Sr. Adv.
Mr. Ayush Kumar, Adv.
Ms. Kanishka Shankar, Adv.
Mr. Ranjeet Choubey, Adv.
For the State : Mr. Raghwanand, GA-11
Mr. Rajnish Shandilya, AC to GA-11
Mr. Pratik Kumar, AC to GA-11
For the SEC : Mr. Ravi Ranjan, Adv.
Mr. Girish Pandey, Adv.

(In Civil Writ Jurisdiction Case No. 5788 of 2024)

For the Petitioner/s : Mr. Akshansh Ankit, Adv.
For the State : Mr. Sushil Kumar, GP-22
Mr. Narendra Kumar Singh, AC to GP-22

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR

C.A.V. JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)
Date : 16-05-2024

An issue of seminal importance has arisen as to whether in a "no confidence" motion brought against a *Adhyaksh* or *Upadhyaksh* of Zila Parishad under the Bihar Panchayat Raj Act, 2006 (*hereinafter referred to as the 'Act'*), the motion would be successfully carried



out by a majority of the total number of directly elected members from the territorial constituencies of Zila Parishad or by the majority of the directly elected members present and voting.

2. A Division Bench of this Court in ***Sarita Kumari vs. the State of Bihar and Others (L.P.A. No. 940 of 2008)*** had held that such a motion could be carried out only by the majority of the total of the directly elected members of the Zila Parishad. In that case, a motion of "no confidence" against the Chairman of the Zila Parishad, Patna having 46 directly elected members was brought about. At the special meeting held for the purpose of considering the "no confidence" motion, 27 members had participated. Three out of them had not taken part in actual voting. Out of 24 members, who had voted, 23 had voted in favour of "no confidence" and one had voted against the motion. Since 23 members did not constitute the majority of the directly elected members, it was held that the "no



confidence" motion stood defeated and the Chairman was allowed to continue.

3. It was contended that since majority of the members present and voting had supported the motion, the Chairman ought to have been removed from the office.

4. A learned Single Judge of this Court, on a plain reading of Section 70 (4) (1) of the Act, rejected the contention that the motion had successfully been carried out, as the members present and voting did not constitute the majority of the directly elected members.

5. In the *intra* Court appeal against the aforementioned decision of the learned Single Judge, the Division Bench, while dismissing the appeal, held that Section 70 (4) of the Act makes it very clear that only when the majority of the total number of directly elected members support the motion of "no confidence", then only such motion can be said to have been carried out. The requirement is not of the members present and voting,



but of the majority of the directly elected members.

6. About twelve years later, in ***Dharamsheela Kumari Vs. Hemant Kumar and Ors. : (2021) 3 PLJR 346***, a Division Bench dealing with Sections 44 and 46 of the Act, concerning "no confidence" motion against the *Pramukh* and *Up-Pramukh* held that under Section 44 (3) of the Act, a "no confidence" motion would be carried out if voted for by the members of the Panchayat Samiti, present and voting, as no quorum is prescribed for carrying out the motion of "no confidence".

7. It may be noted that Section 44, falling in Chapter-IV of the Act is exactly similar to Section 70, which falls in Chapter-V of the Act. Chapter-IV of the Act deals with Panchayat Samitis, whereas Chapter-V deals with Zila Parishad.

8. Faced with this difference of opinion with respect to the construction of the relevant clause dealing with "no confidence" motion, the issue has been placed before this Full Bench for a resolution.



9. In ***Dharamsheela Kumari*** (supra), 10 out of 22 members of the Panchayat Samiti, Vaishali had submitted a requisition for a "no confidence" motion against both the *Pramukh* and *Up-Pramukh*. In the special meeting held for the purpose, only 10 out of 22 elected members of the Samiti had participated in the proceedings in which the requisitionists and the *Pramukh* as well as the *Up-Pramukh* were not present. In the said meeting, 7 members by voice vote supported the motion. However, it was opined by the person who had presided over the meeting that since only 10 out of 22 members had voted for the motion, it had to be rejected as the majority would require the voting by at least 12 members.

10. It was in this context that the issue had arisen whether Section 44 (3) of the Act mandated any quorum for the special meeting convened to discuss and vote for a "no confidence" motion.

11. For the sake of completeness, we deem it



appropriate to extract the entire Section 70 of the Act,
which reads as hereunder:-

70. Resignations or Removal of Adhyaksha and Up-adhyaksha.-(1) The

Adhyaksha may resign his office by writing under his hand addressed to the District Magistrate and the Up-adhyaksha may resign his office by writing under his hand addressed to the Adhyaksha.

(2) Every resignation under subsection (1) shall take effect on the expiry of seven days from the date of such resignation, unless within the said period of seven days he withdraws such resignation by writing under his hand addressed to the District Magistrate or the Adhyaksha, as the case may be.

(3) Adhyaksha or Up-adhyaksha shall vacate the office if he ceases to be a member of the Zila Parishad.

(4) (i) Adhayaksha and Up-Adhayaksha 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 directly elected members from territorial constituencies of the Zila Parishad at a meeting specially convened for the purpose.

The requisition for such a special meeting shall be signed by not less than one fifth of the total number of directly elected members of the Zila Parishad and shall be delivered to the Adhyaksha with a copy to the District Magistrate. The Adhyaksha shall within seven days from the date of receipt of such requisition convene a special meeting of the



Zila Parishad. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. The meeting shall be presided over by the Adhyaksha if the motion is against the Up-adhyaksha; if it is against the Adhyaksha the Upadhyaksha shall preside over the meeting and if it is against Adhyaksha and Upadhyaksha both then the District Magistrate shall preside over the meeting.

In case of the post of Up-adhyaksha being vacant or his absence from the meeting convened for discussion on "no confidence" motion against the Adhyaksha or the post of Adhyaksha being vacant or his absence from the meeting convened for discussion on "no confidence" motion against the Up-adhyaksha, as the case may be, the meeting shall be presided over by any member elected from amongst the directly elected members from the territorial constituencies of the Zila Parishad present in the meeting. In case of failure to convene the meeting by the Adhyaksha, the District Magistrate shall convene the meeting in the same manner and the meeting shall be presided by him. No such meeting shall be postponed once the notice for the same has been issued. No quorum shall be required for the special meeting convened to discuss "no confidence" motion.

(emphasis provided)

(ii) During the first two year period of the tenure, "no confidence" motion shall not be moved against the Adhyaksha or the Upadhyaksha.

(iii) No-confidence motion against the Adhyaksha or Upadhyaksha or both, shall not



be brought within six months of the expiry of the term of the Zila Parishad.

(iv) Such reasons/charges, on the basis of which "no confidence" motion is to be moved against the Adhyaksha or Upadhyaksha, shall be clearly mentioned in the notice of the meeting called to consider the "no confidence" motion.

(v) As soon as the meeting called under this Section commences, the presiding member at the meeting shall read out the motion on which the meeting has been called to consider, before the present members and declare it open for discussion. Any discussion on the motion under this Section shall not be adjourned.

(vi) During discussion, opportunity shall be given to the Adhyaksha or Upadhyaksha or both against whom "no confidence" motion is moved, for his defence before the Zila Parishad. The motion shall be put to vote on the same day after discussion which shall take place by secret ballot in the prescribed manner by the District Magistrate.

(vii) If the motion of "no confidence" against the Adhyaksha or the Upadhyaksha or both is once rejected, no fresh motion of "no confidence" against the Adhyaksha or the Upadhyaksha or both, as the case may be shall be brought before the Zila Parishad within a period of one year from the date of rejection of such motion.

(5) Without prejudice to the provisions under this Act, if in opinion of the [Government] [Substituted vide Section 4 of Amdt. Act 8 of 2008.] having territorial jurisdiction over the Zila Parishad, a Adhyaksha or the Upadhyaksha of Zila



Parishad absents himself without sufficient cause for more than three consecutive meetings or sittings or willfully omits or refuses to perform his duties and functions under this Act, or abuses the power vested in him or is found to be guilty of misconduct in the discharge of his duties or becomes physically or mentally incapacitated for performing his duties or is absconding being an accused in a criminal case for more than six months, the [Government] [Substituted vide Section 4 of Amdt. Act 8 of 2008.] may, after giving the Adhyaksha or the Upadhyaksha, as the case may be, a reasonable opportunity for explanation, by order, remove such Adhyaksha or the Upadhyaksha, as the case may be, from office.

[Provided when a system of Lok Prahari, instituted under sub-Section (5) of Section 152 comes into force by a valid notification of the State Government, the Government may only pass order of removal of such Adhyaksha or Upadhyaksha, as the case may be in the light of inquiry and recommendation of Lok Prahari for the removal.]

[The Adhyaksha or Up-Adhyaksha so removed on the charge of being found guilty of misuse of vested powers or of misconduct in the discharge of his duties shall not be eligible for election to any panchayat bodies till further five years from the date of such removal. The Adhyaksha or Up-Adhyaksha so removed on rest of the charges shall not be eligible for re-election as Adhyaksha or Up-Adhyaksha during the remaining term of office of such Zila Parishad.]



(2) An Adhyaksha or Up-adhyaksha removed from the office under subsection (1) may also be removed by the Government from the membership of the Zila Parishad.

12. It may be noted that Chapter-V of the Act, which deals with establishment of Zila Parishad, provides for its composition; the manner in which the members could be elected; reservation of seats; duration of the Parishad; election of *Adhyaksh* and *Upadhyaksh*; their allowances and the powers, functions and duties of the *Adhyaksh* and *Upadhyaksh*.

13. Section 70 of the Act provides for the procedure concerning the resignations or removal of *Adhyaksh* and *Upadhyaksh*. The *Adhyaksh* could resign by addressing his resignation letter to the District Magistrate, whereas *Upadhyaksh* could resign by addressing it to the *Adhyaksh*. The resignation would be deemed to be effected on the expiry of seven days from the date of such resignation, unless within the aforesaid period, it is withdrawn by the maker. The other eventuality in which the *Adhyaksh* or *Upadhyaksh*



would be required to vacate the office and cease to be a member of the Zila Parishad is when a "no confidence" motion is carried against them.

14. The procedure has been well laid out in Section 70 (4) of the Act. It provides that *Adhyaksh* and *Upadhyaksh* would be deemed to have vacated their offices forthwith if a resolution expressing want of confidence in them is passed by a majority of total number of directly elected members from the territorial constituencies of the Zila Parishad at a meeting especially convened for the purpose.

(emphasis provided)

15. It ought not to be lost sight of that the opening part of the clause clearly provides that the motion would be carried out by the majority of the total number of directly elected members at a meeting especially convened for the purpose. The phrase "at a meeting especially convened for the purpose" has to be read as a necessary adjunct to the earlier part of the



provision viz. the majority of the total of the directly elected members. The number which is conceived of for majority is the number of members who would be present in the meeting, especially convened for the purposes of discussing the "no confidence" motion.

16. A Zila Parishad consists of members directly elected from the territorial constituencies in the district as also the *Pramukhs* of all Panchayat Samitis in the district and such members of the Lok Sabha and the members of the State Legislative Assembly who represent any part which falls wholly or partly within the district and whose constituency falls within the district and the members of the Rajya Sabha and the members of the State Legislative Council who are registered as electors within the district.

17. Each of the members of the Zila Parishad have a right to vote in its meetings, but in case of election and removal of *Adhyaksh* and *Upadhyaksh*, only the members directly elected from the territorial



constituencies in the district have a right to vote.

18. The majority of votes as prescribed in Section 70 of the Act is thus of directly elected members at a meeting especially convened for the purpose.

19. The intention of the Legislature becomes absolutely clear as Section 70 (4) provides that no such meeting which has been so especially convened, would be postponed and no quorum shall be required for the special meeting convened to discuss the "no confidence" motion.

20. The afore-noted two such provisions are not mere surplusage; but specific indication that in the absence of any quorum provided, the majority would mean only the members present and voting and not the majority of the total number of elected members.

21. We say so for another reason as well.

22. "no confidence" motion is not be notified during the first two years of the tenure of *Adhyaksh* and *Upadhyaksh*. Such motion shall also not be brought



within the last six months of the expiry of the term of the Zila Parishad. Additionally, an amendment was brought about by the Amending Act 15 of 2015 (*w.e.f. 01/01/2016*) that a "no confidence" motion can be brought only once in the whole tenure of *Adhyaksh* or *Upadhyaksh*. There appears to be some reason behind this amendment.

23. The experience had been that "no confidence" motions were brought about in a causal and cavalier manner and that many a times, when it was brought about, the discussions and voting were thwarted by the machinations of some, which rendered the entire tenure of the Zila Parishad non-functional and the Parishad being reduced to an omphalous of artifice and corruption.

24. The nuances of democracy and its working come only with experience; usage; and practices. It was with some reason that it was thought that in the first two years of the tenure of the Zila Parishad, "no confidence"



motion would not be entertained. The experience had shown that repeated motions of "no confidence" were brought by warring members, leaving no time for the *Adhyaksh* and *Upadhyaksh* to pursue the mission and the objectives under the Act.

25. Thus, by an amendment of 2015 (*w.e.f. 01/01/2016*), it was clarified that in the tenure of *Adhyaksh* or *Upadhyaksh*, "no confidence" motion could be brought against them for one time only.

26. It is in this background that the wordings of Section 70 (4) have to be construed.

27. Even otherwise, it is a settled principle of law and also a cardinal principle of construction of Statute that no part or a word of Statute be construed in isolation and that effect should be given to all the provisions, lest it would not be a harmonious construction. The effort should be to give effect to all the provisions and not reduce one of the provisions to be a dead letter or a "useless lumber".



28. It is the duty of the Courts to avoid any head-on clash between two provisions of the Act and to construe the provisions which may appear to be in conflict with each other, in such a manner as to harmonize them. ***(Refer to Azmal Imam Vs. The State of Bihar : (2011) 5 SCC 729; Sultana Begum Vs. Premchand Jain : (1197) 1 SCC 373).***

29. The difficulty appears to have arisen in a truncated reading of Section 70 (4) (1) of the Act that *Adhyaksh* and *Upadhyaksh* shall be deemed to have vacated his office forthwith, if a resolution expressing want of confidence in him is passed by a majority of total number of directly elected members from territorial constituencies of the Zila Parishad and not reading the latter part of the sentence, namely, at a meeting especially convened for the purpose and a stand alone provision that no quorum shall be required for the special meeting convened to discuss the "no confidence" motion. Also understood in the context of a "no



confidence" motion being restricted to a solitary instance.

30. In ***Sarita Kumari*** (supra), the Division Bench only referred to the first part of Section 70 (4) of the Act and did not notice the entire provision which provides that no quorum is necessary in such a meeting.

31. The learned Advocate General, while supporting the postulate in ***Sarita Kumari*** (supra), namely, that majority of the total of the elected members would be required for the removal of the *Adhyaksh* and *Upadhyaksh*, submitted that if no quorum is required, then, perhaps, the outcome of the meeting would not reflect the intention or the desire of the entire body. There could be a possibility of fraud not only on the Statute, but also on the basic principle of the democracy. There could be a situation where, the learned Advocate General argued, the *Adhyaksh* or *Upadhyaksh* would not have lost confidence of the House and still, with the machinations of a few get the motion



passed.

32. This argument is not acceptable for the reason that the converse could also be true in certain circumstances. The law is not to be understood or interpreted taking into account the extremities or the outliers. A *Adhyaksh* or *Upadhyaksh* must have the confidence of the House for them to remain on their positions and be accountable for the missions and objectives of the Zila Parishad. Any organisation, be it a local body, can run only if the elected representatives enjoy the faith of the entire body, which will be reflected by the number of votes they garner.

33. The right to vote lies at the heart of any democratic set-up, but it ought not to be forgotten that the very purpose to have a seamless functioning of the Zila Parishad or any other body, cannot be put on hold by preventing people to come and vote for or against the motion or coerce them to vote in any manner.

34. A requisition for "no confidence" motion can



be brought by the approval of not less than 1/5th of the total number of directly elected members of the Zila Parishad.

35. The manner in which the discussions and voting are to be held have been provided for.

36. Many contingencies have been taken into account like what would happen if the *Adhyaksh* or *Upadhyaksh* fail to convene the meeting and how would the discussions be carried out and the motion would be put to vote. The motion is required to be put to vote on the same day after discussions which has to take place by secret ballot in the prescribed manner by the District Magistrate.

37. Mr. K.N. Choubey, the learned Senior Advocate urged the Court to consider that there has to be a primacy of *vox populi*. He also made references to various parts of the Constitution of India dealing with the election of high functionaries, where majority of the entire body was required.



38. In our estimation, such comparison is not apt for the reason of total clarity in the Statute. If the opening sentence of Section 70 (4) of the Act is read as a whole, it would appear that what the Legislature intended was the majority of the directly elected members at especially convened meeting. This can only mean members present and voting and nothing else.

39. We do not find any insurmountable inexactitude in the language used in Section 70 (4) of the Act. It does not present before us a situation where some specific tool of interpretation is required to be pitched in and that not doing so would reduce the legislation to futility and render the manifest purpose of the legislation, nugatory.

40. With utmost deference, we say that in ***Sarita Kumari*** (supra), perhaps, the entire scheme of Section 70 (4) of the Act was not gone into. It has succinctly been explained in ***Dharamsheela Kumari*** (supra), which dealt with the "no confidence" motion of



Pramukh and *Up-Pramukh* under Chapter-IV, which provision, namely, Section 44 (3) is exactly similar to Section 70 (4) of the Act.

41. We, thus, conclude that for a motion of "no confidence" to be carried out successfully, the requirement is of the majority of the members present and voting and not majority of the total of the elected members of the Zila Parishad.

42. We have not referred to the facts of any one of the writ petitions or appeals before us, which shall be decided on the principle enunciated by us.

43. The reference stands answered accordingly.

(Ashutosh Kumar, J)

K. Vinod Chandran, CJ : I agree

(K. Vinod Chandran, CJ)

Harish Kumar, J : I agree

(Harish Kumar, J)

krishna/Praveen-II

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