
Jagjeet Singh Vs The State of Bihar and Others

None

Court: Patna High Court

Date of Decision: March 3, 2010

Hon'ble Judges: S.K. Katriar, J; Kishore K. Mandal, J

Bench: Division Bench

Final Decision: Allowed

Judgement

1. This writ petition is directed against the impugned notice bearing letter No. 953 dated 3.7.2008 (Annexure-3), issued under the signature of

respondent No. 6 (The Block Development Officer-cum-Executive Officer, Sampatchak Panchayat, Patna), whereby all concerned have been

informed that special meeting of Panchayat Samiti of Sampatchak Panchayat will be held on 12.7.2008, to consider the no-confidence motion

moved against the Prakhanda Pramukh.

2. We have perused the materials on record and considered the submissions of learned Counsel for the parties. A Division Bench of this Court in

its judgment dated 3.2.2010, passed in C.W.J.C. No. 12611 of 2008 (Meena Yadav and Ors. v. The State of Bihar and Ors.), has held that such

a notice of no-confidence motion must state the reason(s)/charge(s) with respect to the person (s) against whom no-confidence motion is sought to

be moved. Paragraph 17 of the Division Bench judgment is reproduced hereinbelow for the facility of quick reference:

In view of aforesaid discussions and findings, the impugned notices must be held to be void because they admittedly do not contain any

reasons/charges which is required to be mentioned in the notice as per law noticed above. Hence, the notices and the consequent meetings are

found to be against law. As a result, the notices shall stand quashed. Any decision taken in the meeting held on the basis of impugned notices shall

also stand quashed. The writ petitions accordingly stand allowed. There shall be no order as to costs.

3. In the instant case, the impugned notice does not state any reason(s)/charge(s) against the Prakhand Pramukh. It further appears to us that the

meeting to consider the no-confidence motion did take place and such a motion was passed against the Prakhand Pramukh. However, by order

dated 15.9.2008, passed in the present writ petition, a Division Bench of this Court ordered that, until further orders, no fresh election to the post

of Pramukh, Panchayat Samiti, Sampatchak, shall take place. In other words, the requisition for the meeting was without any valid and legal basis

and, therefore, the notice itself has to be set aside. The proceedings of the meeting have also to be set aside. The position may perhaps have been

different, had the election for the new set of office bearers taken place. We, however, do not express ourselves finally on this issue because the

same does not arise for consideration in the instant case.

4. In the result, we allow this writ petition. The impugned notice dated 3.7.2008 (Annexure-3), and the proceedings of the consequent meeting, are

hereby set aside. It goes without saying that it will be open to the appropriate authority to issue a fresh notice of no-confidence motion in

accordance with law.