

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14679 of 2018**

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Vibha Kumari @ Bibha Kumari, Wife of Sri Jitendra Yadav, Resident of Shivnagar Khuskibagh, Ward No.-42, P.S.- Purnea Town, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
2. The District Magistrate, Purnea.
3. The Sub Divisional Officer, Purnea.
4. The Municipal Corporation, Purnea.
5. Sri Santosh Kumar Yadav, Son of Late Ajay Kumar, Residence of Ward No.-18, Court Station, P.S.-Ke Hat, District-Purnea.
6. Sri Pankaj Kumar Yadav, Son of Yugal Kishor Yadav, Residence Ward No.1, Madhubani, P.S.-Sahayak Khazanchi, District-Purnea.
7. Ranjana Sahay, Wife of Bablu Sahay, Residence of Ward No.-2, Rajendra Nagar, P.S.-T.O.P. District-Purnea.
8. Sabita Devi, Wife of Sri Pratap Singh, Residence of Ward No. 03, Shastri Nagar, P.S.-Ke Hat District-Purnea.
9. Sri Sohail @ Munna, Son of Abdul Baarik, Residence of Ward No.4, Rahmat Nagar, P.S.-Madhubani, T.O.P. District-Purnea.
10. Pratima Kumari, Wife of Sri Shankar Singh, Residence of Ward No.5, Dolar House Chowk, Shipahi Tola P.S.-Ke Hat, District-Purnea.
11. Sri Arjun Singh, Son of Parmanand Singh, Residence of Ward No.6, Shivaji Colony P.S.-Ke Hat, District-Purnea.
12. Sri Ramesh Paswan, son of Biranchi Paswan, Residence of Ward No.7, New Sipahi Tola, P.S.-Ke Hat, District-Purnea.
13. Sunaina Devi, Wife of Late Prabhat Prasad Yadav, Residence of Ward No.8, Yadav Tola P.S.-Ke Hat Maranga, District-Purnea.
14. Kammi Devi, Wife of Sri Shankar Rishi, Residence of Ward No.9, Maranga Murgi Farm P.S.-Ke Hat, Maranga, District-Purnea.
15. Kiran Devi, Wife of Sri Brijesh Yadav, Residence of Ward No.10, Ufrail Maranga, P.S.-Ke Hat Maranga, District Purnea.
16. Sri Rana Ranjit Singh, Son of Late Ravindra Nath Singh, Residence of Ward No.11, Ram Nagar Polytechnic Chowk, P.S.-Sahayak Maranga, District-Purnea.
17. Vinda Devi, Wife of Sri Mithilesh Kushwaha, Residence of Ward No.12, Subhash Nagar, P.S.-Sahayak Khazanchi, District-Purnea.
18. Sri Sriprasad Mahto, Son of Late Sarjug Mahto, Residence of Ward No.13, Jail Chowk, P.S.-Sahayak Khajanchi, District-Purnea.
19. Neelam Devi, Wife of Sri Suresh Singh, Residence of Ward No.14, Koshi Colony, P.S.-Ke Hat, District-Purnea.



20. Rekha Devi, Wife of Late Tejnarayan Ram, Residence of Ward No.15, Madhubani, P.S.-Madhubani T.O.P. District-Purnea.
21. Sri Sushil Kumar Singh, Son of Nirmal Kumar Singh, Residence of Ward No.16, B.B.M. High School Shivpuri, P.S.-Sahayak Khajanchi, District-Purnea.
22. Sri Ajay Kumar, Son of Shyamdev Yadav, Residence of Ward No.17, Court Station, P.S.-Ke Hat, District-Purnea.
23. Sri Kunal Kishore, Son of Gopal Prasad Lal, Residence of Ward No.19, Prabhat Colony, Shanti Nagar, P.S.-Ke Hat District-Purnea.
24. Leela Devi, Wife of Sri Ashok Thakur, Residence of Ward No.20, Naya Tola, Line Bazar, P.S.-Sahayak Khajanchi, District-Purnea.
25. Amit Kumar Sah, Son of Late Mahendra Sah, Residence of Ward No.21, Bhatta Bazar, P.S.-Sahayak Khajanchi, District-Purnea.
26. Sarita Rai, Wife of Sri Pawan Kumar Rai, Residence of Ward No.22, Chitravaani Road, Bhatta Bazar, P.S.-Sahayak Khajanchi, District-Purnea.
27. Indira Devi, Wife of Sri Raj Kumar Yadav, Residence of Ward No.23, Shivpuri, Bhatta Bazar, P.S.-Sahayak Khajanchi, District-Purnea.
28. Aasha Srivastav, Wife of Sri Ajay Srivastav, Residence of Ward No.24, Sudin Chowk, P.S.-Sahayak Maranga, District-Purnea.
29. Rima Das, Wife of Sri Deepak Das, Residence of Ward No.25, Aajad Colony, Bhatta Bazar, P.S.-Sahayak Khajanchi, District-Purnea.
30. Rinku Devi, Wife of Nawal Kishore, Residence of Ward No.26, Chhat Pokhar, Sudin Chowk, P.S.-Sahayak Khajanchi, District-Purnea.
31. Anjum Praveen, Wife of Sri Sahabuddin Khan, Residence of Ward No.27, Rajabaadi, P.S.-Sahayak Khajanchi, District-Purnea.
32. Shabnam Aara, Wife of Md. Taukir Riyaz, Residence of Ward No.28, Sajjad Colony, P.S.-Sahayak Khajanchi, District-Purnea.
33. Musarrat Jahan, Wife of Khurshid Alam, Residence of Ward No. 29, Daftari, Mohalla-Line Bazar, P.S.-Sahayak Khajanchi, District-Purnea.
34. Renu Kumari, Wife of Sri Rajendra Yadav, Residence of Ward No.30, Suryanarayan Singh College Road, Rambagh, P.S.-Sadar, District-Purnea.
35. Vijay Urav, Son of Bodha Ram, Residence of Ward No.31, Rambagh, P.S.-Sadar, District-Purnea.
36. Kanij Raja, Wife of Shahid Raja, Residence of Ward No.32, Purnea City, P.S. Sadar, District-Purnea.
37. Murshida Khatoon, Wife of Najrul Islam, Residence of Ward No.33, Chimni Bazar, Purnea City, P.S.-Sadar, District-Purnea.
38. Murari Bhagat, Son of Late Suresh Bhagat, Residence of Ward No.34, Naaka Chowk, Purnea City. P.S.-Sadar, District-Purnea.
39. Neera Devi, wife of Jitendra Urav, Residence of Ward No.35, Hansda Kothi, Gulab Bagh, P.S.-Sadar, District-Purnea.
40. Sri Pawan Thakur, Son of Vilayati Thakur, Residence of Ward No.36, Shastri Nagar, Gulabbagh, P.S.-Sadar, District-Purnea.



41. Rajeev Kumar, Son of Ganesh Paswan, Residence of Ward No.37, Gadivaan Tola, Gulabbagh, P.S.-Sadar, District-Purnea.
42. Veli Devi, Wife of Late Nebu Lal Chauhan, Residence of Ward No.38, Chauhan Tola Gulabbagh, P.S.-Sadar, District-Purnea.
43. Vilash Choudhary, Son of Hari Choudhary Residence of Ward No.39, Khushkibagh, P.S.-Sadar, District-Purnea.
44. Janki Devi, Wife of Sri Raj Kumar Yadav, Residence of Ward No.40, Sanbhash Nagar, Paani Tanki, Khushkibagh, P.S.-Sadar, District-Purnea.
45. Sri Amit Kumar @ Dablu, Son of Harishchandra Das, Residence of Ward No.41, Khushkibagh, P.S.-Sadar, District-Purnea.
46. Vajlu Rehman, Son of Islam Ali, Residence of Ward No.43, Lauva Ghat Belauri, P.S.-Mufassil, District-Purnea.
47. Sri Vishwajeet Singh, Son of Chandradeep Singh, Residence of Ward No.44, Belauri, P.S.-Mufassil, District-Purnea.
48. Sri Vijay Kumar Urav, Son of Kartik Urav Residence of Ward No.45, Basantpur, Pokhadiya, P.S.-Sadar, District-Purnea.
49. Fuliya Devi, Wife of Fakeer Chand Rishi, Residence of Ward No. 46, Amla Tola, Madhubani P.S.-Sadar, PDistrict-Purnea.
50. The Secretary, State Election Commissioner, Bihar, Patna.
51. The District Magistrate-cum-District Election Officer (Municipality), Purnea.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Vimal Kirti Singh, Advocate  
Mr. Siddhartha, Advocate  
Mr. Ranjeet Kumar, Advocate  
For the Respondents-SEC: Mr. Amit Shrivastava, Advocate  
Mr. Girish Pandey, Advocate  
For the Respondent Nos. 16 & 21: Mr. Gajendra Pratap Singh, Advocate  
For the Respondent Nos.8, 20 &49:Mr. N.K. Agarwal, Sr. Advocate  
Mr. Saket Tiwary, Advocate  
Mr. Murari Kumar, Advocate  
For the Respondent Nos. 9 & 14: Mr. Awadhesh Kumar, Advocate  
For the Respondent Nos.5, 7,10, : Mr. Bindhyachal Singh, Advocate  
11, 19, 27,31, 32, 34, 35 and 36 : Mr. Saket Gupta, Advocate  
For the Respondent-State : Mr. Abbas Haidar, SC-6

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH  
CAV JUDGMENT**

**Date : 08-04-2019**

The present writ petition had initially been filed by the petitioner praying therein for setting aside the order contained in



Memo No. 604 dated 16.07.2018 issued by the Municipal Commissioner, Purnea Municipal Corporation (for short 'the Corporation') whereby the date for special meeting for 'No Confidence Motion' had been fixed on 28.07.2018 at 11:30 a.m.. Subsequently, the petitioner filed one interlocutory application bearing I.A. No.5817 of 2018 dated 01.08.2018 praying therein for amendment of prayer and has sought an additional prayer for setting aside the minutes of the meeting dated 28.07.2018 in which the 'No Confidence Motion' against the petitioner stood passed. Thereafter, he filed another interlocutory application bearing I.A. No.6046 of 2018 dated 07.08.2018 whereby he has prayed for grant of an ad interim stay on the minutes of the meeting dated 28.07.2018 whereby No Confidence Motion was passed against the petitioner by a margin of one vote and the petitioner also prayed to stay the proposed election of the Mayor of Corporation scheduled on 10.08.2018.

2. At this stage, it would be apposite to note that on 09.08.2018 when the writ petition was taken up following order was passed:-

**“Respondent nos. 1, 2, 3, 4, 50 and 51 are represented and hence no notice need be issued.**



**Issue notice to the respondent nos. 5 to 49 for which requisites etc. by Registered cover with A/d as also by ordinary process must be filed within one week, failing which this application stand rejected as against respondent nos. 5 to 49 without further reference to the Bench.**

**The election for the post of Mayor scheduled to be held tomorrow i.e. on 10.08.2018 shall abide by the final result of this writ petition.**

**Having regard to the various circumstances and the observations of this Court in various orders passed in Cr.W.J.C. Nos.1795 of 2018 and 1796 of 2018 as also in Cr. W.J.C. No.1883 of 2018 including, *inter alia*, a direction for an enquiry to be made by the Director General of Police, this Court directs the State Election Commission (Panchayat) (respondent no.50) as well as the District Administration to ensure that the election will be held in presence of a Class-1 Officer of the Commission as well as a Police Officer not below the rank of D.I.G. It is further directed that the result of the election shall not be pronounced till the matter is taken up before this Court on the next date.**

**List on 16.08.2018.”**



3. Thus, it would be evident that vide order dated 09.08.2018, this Court taking into consideration various circumstances, directed the State Election Commission (Panchayat) (respondent no. 50) as well as the District Administration to ensure that the election for the post of Mayor scheduled to be held on 10.08.2018 be held in presence of a Class-1 Officer of the Commission as well as a Police Officer not below the rank of D.I.G.. However, the result of the election was directed not to be pronounced till the next date.

4. After the aforesaid order dated 09.08.2018 whereby the result of the election for the post of Mayor held on 10.08.2018 was directed not to be pronounced, interlocutory applications bearing I.A. No.6337 of 2018 and I.A. No.6385 of 2018 were filed by the respondent nos. 16 and 21 respectively for vacating the stay of pronouncement of the result of election for the post of Mayor.

5. This Court took up interlocutory application nos. 6337 of 2018 and 6385 of 2018 for consideration on 24.08.2018. After hearing the submissions made on behalf of the parties on the aforesaid two interlocutory applications, this Court observed vide order dated 24.08.2018 that since the election has been held in a peaceful and impartial manner in the supervision of the District Magistrate-cum-Returning Officer and the DIG of Police, as



directed by this Court on 09.08.2018, there in no point in keeping the result of the election pending. After observing so, the interim order of stay granted vide order dated 09.08.2018 on pronouncement of the result of the election for the post of Mayor was vacated and the interlocutory applications were allowed. Thereafter, the writ petition itself was heard on merits and the judgment was reserved.

6. The case of the petitioner, in brief, is that the Corporation comprises of 46 wards. The election of the Corporation was held in the year, 2017 in which she was elected as councilor from ward no.42. Later on, she was elected as Mayor of the Corporation. She has been voted out with a margin of one vote. She would not have been voted out unless and until the District Administration of Purnea would have conspired with the opponent of the petitioner and would not have actively co-operated them. In order to assert that the District Administration, Purnea conspired with opponents of the petitioner, the petitioner contended that one of the ward councilor, namely Bilash Chaudhary was absconder in the murder case. He did not participate in four consecutive meetings of the Corporation held on 16.10.2017, 27.12.2017, 09.03.2018 and 10.04.2018. Hence, his membership was liable to be cancelled in terms of Section 18(1)(n) of the Bihar Municipality



Act, 2007. The petitioner had communicated the same to the Municipal Commissioner of the Corporation. The Municipal Commissioner, Purnea had communicated to the District Magistrate, Purnea for needful action vide letter dated 27.06.2018. the District Magistrate, Purnea in connivance with the opponents of the petitioner sat over the matter and did not forward the same to the State Election Commissioner, Bihar, Patna even after the repeated representations submitted by the petitioner as well as some of the ward councillors. The District Magistrate, Purnea communicated the same to the State Election Commission (for short 'the Commission'), Bihar, Patna on 02.08.2018 and only after the No Confidence Motion against the petitioner was passed on 28.07.2018 wherein Bilas Chaudhary was also voted against the petitioner.

7. The further case of the petitioner is that one of the ward councilor namely, Fuliya Devi was kidnapped on 04.07.2018 and her son namely, Jiwachh Kumar Rishi was instituted a First Information Report (for short 'FIR') bearing Purnea Sadar P.s. Case No.363 of 2018 against named accused persons but the police did not take any action either for recovery or Fuliya Devi or to arrest the named accused persons. Another ward councilor namely, Rekha Devi along with her daughter Kashish Kumari was



kidnapped on 08.07.2018 but the police did not institute FIR. The requisition against the petitioner for No confidence Motion was submitted on 10.07.2018 with the signature of 20 ward councillors including aforesaid Rekha Devi and Fuliya Devi, who had already been kidnapped. The signature of one of the councilor, namely, Kamini Devi and Md. Suhail was forged and, further the requisition had also been signed by one Bilas Chaudhary, who was absconding and process under Sections 82 and 83 of the Code of Criminal Procedure had already been issued against him.

8. The petitioner further contended that Kunak Kumar, son of Rekha Devi submitted application before the Superintendent of Police, Purnea on 14.07.2018 regarding kidnapping of his mother Rekha Devi and minor sister Kashis Kumari giving names of the kidnappers as Pratap Singh and Santosh Yadav, but no action was taken. The aforementioned Jiwachh Kumar Rishi, son of Fuliya Devi and Kunal Kumar, son of Rekha Devi jointly submitted application before the D.G.P., Bihar, Patna on 18.07.2018, the Chief Minister, Bihar, Patna and the National Human Right Commission, New Delhi on 19.07.2018. Aforementioned Kunal Kumar thereafter, filed a complaint case bearing Complaint Case No.1274 of 2018 before the learned Chief Judicial Magistrate, Purnea on 21.07.2018 and



the learned Chief Judicial Magistrate, Purnea on the same date ordered to institute FIR in exercise of power under Section 156(3) of the Code of Criminal Procedure, which was duly communicated to the police but even then the police did not institute the FIR regarding kidnapping of Rekha Devi and Kashis Kumari. In the aforesaid circumstances, the Kunal Kumar and Jiwachh Kumar Rishi filed separate *habeas corpus* writ petitions bearing Cr.W.J.C. No.1795 of 2018 and Cr.W.J.C. No.1796 of 2018 before this Court, which were heard on 25.07.2018 and this Court had directed the Superintendent of Police, Purnea to produce the two ward councilors, namely, Rekha Devi and Fuliya Devi along with minor Kashis Kumari on 26.07.2018. When the matter was taken up on 26.07.2018, the Station House Officer, Purnea and one Deputy Superintendent of Police appeared in person and instead of producing the two ward councilors, they tried to convince the Court that the ward councilors have not been kidnapped. The matter was then taken up for hearing on 27.07.2018 on which date, private lawyers appeared on behalf of two ward councilors. Whereafter the Court adjourned the matter for 30.07.2018. Subsequently, on 01.08.2018, when the matter was taken up, the two ward councilors appeared before the Court and stated that they were not kidnapped by anybody, but the said statement was made



before the Court under threat and coercion by the police officials. The Purnea Police took the custody of two councilors and did not allow their sons to meet them.

9. Highlighting these aspects, Mr. Bimal Kirti Singh, learned counsel for the petitioner has submitted that the conduct of Purnea police has been throughout suspicious. The conduct of the District Magistrate, Purnea has also been suspicious, as he was aware that a No Confidence Motion is proposed against the petitioner, but even then he kept quite and sat over the matter regarding disqualification of one of the ward councillors namely, Bilas Chaudhary and forwarded the same to the Commission vide letter dated 02.08.2018 only after the petitioner was voted out on 28.07.2018 with a margin of one vote. He contended that in the aforesaid background of facts, the meeting held for deliberation and voting of No Confidence Motion was patently bad in law. Hence, this Court should hold that the No Confidence Motion dated 28.07.2018 was not passed in a free, fair and legal manner and, thus, set the resolution passed in the meeting in question dated 28.07.2018.

10. Mr. Avinash Shekhar, learned counsel has appeared for respondent no.1, Mr. Saket Gupta, learned counsel has appeared for respondent nos. 5, 7, 10, 11, 19, 27, 31, 32, 34, 35



and 36, Mr. Awadhesh Kumar, learned counsel has appeared for respondent nos. 9 and 14, Mr. Saket Tiwary, learned counsel has appeared for respondent nos. 8,18, 20, 38, 43, 44, 46, 47, 49 and Mr. Gajendra Pratap Singh, learned counsel has appeared for respondent nos. 16 and 21.

11. Mr. Awadhesh Kumar, learned counsel for respondent nos. 9 and 14 submitted that the writ petition was initially filed for setting aside the notice as contained in Memo No.604 dated 16.07.2018. Such prayer had no legs to stand on the ground of principle of waiver and on other grounds as well, since the impugned notice was circulated by the Municipal Commissioner, Purnea in pursuance to the petitioner having himself fixed the date for special meeting for the 'No Confidence Motion' on 28.07.2018. He contended that the special meeting was called for pursuant to the requisition signed by 20 councilors of the Corporation having hold strength of 46 councilors. The rule governing No Confidence Motion requires that 1/3rd of the total councilors, who signed the requisition to convene the special meeting. Since the petitioner herself called the special meeting on 28.07.2018 and participated in the meeting, she can not take the plea that the meeting was illegally held. That apart, the councilors including Fuliya Devi and Rekha Devi were also present in the



special meeting and they did not raise any such issue that they were forcibly abducted.

12. Mr. Saket Tiwary, learned counsel appearing for various respondents including aforesaid respondents, namely, Rekha Devi and Fuliya Devi submitted that the writ petition is based on false, frivolous and imaginary facts and is not maintainable in law. The petitioner took two grounds in the writ petition to challenge the no confidence motion. The first ground was that Rekha Devi and Fuliya Devi were allegedly kidnapped by her opponents and that the two allegedly kidnapped councilors were her supporters. The second ground taken by the petitioner was that the signature of few councilors were forged. He contended that the respondents Rekha Devi and Fuliya Devi have categorically stated before this Court in the criminal writ petition that they had never been kidnapped by anyone. They participated in the special meeting and have raised no issue in respect of their kidnapping. The petitioner is dragged the story of alleged kidnapping of Rekha Devi and Fuliya Devi without any substance. The aforesaid two councilors have themselves filed their respective counter affidavits wherein they have completely denied the theory kidnapping.



13. Mr. Gajendra Pratap Singh, learned counsel appearing for respondent nos.16 and 21 has contended that the writ petition is nothing but an abuse of the process of the court. He has contended that after removal of the petitioner from the post of Mayor pursuant to the meeting held on 28.07.2018, there was fresh election held for the post of Mayor of the Corporation as fixed by the Commission on 10<sup>th</sup> August, 2018. The writ petitioner also appeared and contested the election for the post of Mayor held on 10.08.2018. The facts narrated above would demonstrate that the petitioner has filed the writ petition on baseless and frivolous ground and the same is fit to be dismissed with cost.

14. Having heard learned counsel for the parties and perused the record, I find substance in the submissions of the respondents.

15. As stated above, the writ petition was filed on 25.07.2018 for setting aside the notice by which the special meeting for No Confidence Motion was fixed. The special meeting was called pursuant to the requisition signed by 20 councilors of the Corporation.

16. Admittedly, the relevant rule governing no confidence motion requires 1/3rd of the total councilors should sign the requisition to convene the special meeting for No



Confidence Motion. Thus, the requisition was signed by adequate number of councilors, as required in law. Upon receiving the requisition for calling the special meeting, the petitioner herself had fixed the date for special meeting. She had taken two grounds to challenge the No Confidence Motion. The first being that the two councilors namely, Fuliya Devi and Rekha Devi were allegedly kidnapped and they were her supporters and the second ground taken by her was that signature of few councilors were forged. The petitioner has alleged that signature of respondent nos. 9 and 14, Md. Sohail and Kamni Devi on the requisition were forged. They have filed their counter affidavit in the present case. In para 12 of the counter affidavit, they have stated as under:-

**“That it is relevant to submit here the signature of Answering Respondent on the requisition for ‘No Confidence Motion’ has been signed by himself and it has not been forged. Moreover, even Respondent No.14 or Respondent No.43 have themselves not denied that they have not signed on the requisition, yet in the most unreasonable manner, the Petition is doubting the signatures of the Answering Respondent and others, which has no legs to stand in the eyes of law, when the authors of the signatures have never raised any objection to their signatures on the requisition.”**



17. The petitioner has not filed any rejoinder to the aforesaid counter affidavit filed on behalf of respondent nos. 9 and 14.

18. Thus, by no stretch of imagination, the contention of the petitioner can be accepted that respondent nos. 9 and 14 had not put their own signatures on the requisition for no confidence motion.

19. As far as story of kidnapping of two councilors, namely, Rekha Devi and Fuliya Devi is concerned, it would be pertinent to note that in two criminal writ applications for issuance of direction of *habeas corpus* bearing Cr. W.J.C. Nos.1795 and 1796 of 2018, the two councilors themselves personally appeared before the Court and submitted that they had never gone missing nor were they kidnapped by anybody and, on being satisfied, the Division Bench of this Court disposed of aforesaid two writ petitions vide order dated 01.08.2018.

20. Not only this, Rekha Devi (respondent no.20) and Fuliya Devi (respondent no. 49) have filed their respective counter affidavit in the present writ petition in which they have categorically stated that though the petitioner participated in the special meeting dated 28.07.2018, she did not raise any issue in the special meeting. They have stated that they have also given



statement under Section 164 of the Code of Criminal Procedure before the Magistrate that they were not kidnapped. They have completely denied the story propounded by the petitioner that they were ever kidnapped.

21. Under the aforesaid circumstances, the plea taken by the petitioner regarding kidnapping of the two ward councilors and/or forged signature of some other ward councilors on the requisition for no confidence motion cannot be believed. The special meeting was fixed by the petitioner and the motion was carried out on 28.07.2018 under the supervision of the senior administrative and police authorities, as directed by this Court.

22. Mr. Amit Shrivastava, learned counsel appearing for the Commission has produced before the Court, minutes of meeting held on 10.08.2018 headed by the District Magistrate-cum-District Election Officer, Municipality, Purnea wherein it has been recorded that pursuant to the order dated 09.08.2018, the election of Mayor took place in presence of the DIG, Purnea Range. In the said election, four sets of nominations were filed. One by the petitioner Vibha Kumari @ Bibha Kumari and three others by the councilor Sabita Devi. The nominations made for the post of Mayor were duly scrutinized and accepted finding them to be without any defect. Thereafter, the candidates were given



option to withdraw their nominations. Since no one withdrew the candidature within the stipulated time, the preparation for election was made. The ward councilors were apprised as to how the voting was to be done. The election at 1:31 and concluded at 2:29 in the afternoon. After the election was over, the ballot box was sealed in presence of all the ward councilors, candidates, observers and the DIG, Purnea. Thereafter, as directed by the Election Commission, the sealed ballot box was deposited in the strong room in presence of the DIG, Purnea. After recording the aforesaid details, the District Magistrate-cum-District Election Officer has recorded that the entire election procedure was held in a transparent, impartial and peaceful manner and the entire proceedings were videographed also. The said minutes of the meeting dated 10.08.2018 forms part of the record.

23. Under the aforesaid circumstances, this Court being fully satisfied that the election had been held in a peaceful and impartial manner in the supervision of District Magistrate-cum-Returning Officer and the DIG of Police, as directed by this Court on 09.08.2018, vide order dated 24.08.2018 vacated the interim order of stay granted by the Court on the pronouncement of the result of the election for the post of Mayor scheduled on 10.08.2018, I am of the considered opinion that no case for setting



aside the resolution taken in the meeting dated 28.07.2018 is made out.

24. The writ petition, being devoid of any merit, is dismissed.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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