

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3710 of 2026

Smt. Lalita Kumari Wife of Sanjay Yadav, Resident of Village- Taartar, P.O.-
Taartar, P.S.- Ghoswari, District- Patna.

... .. 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, Patna.
3. The Director, Panchayati Raj, Government of Bihar, Vikas Bhawan, Patna.
4. The State Election Commission, Bihar, Patna, Panchayati Raj, Sone Bhawan, Beerchand Patel Marg, Patna.
5. The Collector-cum-District Magistrate, Patna.
6. The Block Development Officer-cum-Executive Officer, Block- Ghoswari, District- Patna.
7. Ashok Kumar, Son of not known, Member of Panchayat Samiti, Ghoswari Panchayat, Ward No. 4, Block- Ghoswari, District- Patna.
8. Babi Devi, Wife of Ram Pravesh Ram, Member of Panchayat Samiti, Trimuhan-10 Panchayat Area, Block- Ghoswari, District- Patna.
9. Rupam Kumar @ Rupam Kumari, Wife of Ajeet Kumar, Member of Panchayat Samiti, Paijana-6 Panchayat Area, Block- Ghoswari, District- Patna.
10. Renu Devi, Wife of Birmani Paswan, Member of Panchayat Samiti, Kumhrar- 9 (Isha Nagar) Panchayat Area, Block-Ghoswari, District- Patna.
11. Rinku Devi, Wife of Sonelal Mahto, Member of Panchayat Samiti, Kurmichak- 5 Panchayat Area, Block- Ghoswari, District- Patna.
12. Anirudh Kumar, Son of Sitaram Prasad, Member of Panchayat Samiti, Karara- 2 Panchayat Area, Block- Ghoswari, District- Patna, currently serving as Up-Pramukh.
13. Rajobati Devi, Wife of Gopal Chauhan, Member of Panchayat Samiti, Samya Garh- 7 Panchayat Area, Block- Ghoswari, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner	: Mr. Manoj Kumar Pandey, Advocate Ms. Kumari Pallavi, Advocate
For the State	: Mr. Subodh Kumar, AC to SC-26
For the Sate Election Comm.	: Mr. Ravi Ranjan, Advocate
For the Resp. Nos.7 to 12	: Mr. S.B.K. Manglam, Advocate Mr. Awnish Kumar, Advocate



**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT**

Date : 12-05-2026

Heard learned counsel for the parties.

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

“1. That this writ application is being filed for quashing of the letter dated 06.03.2026, Letter No 65, issued by the Up-Pramukh, Block-Ghoswari, District- Patna, whereby the Up-Pramukh has scheduled a no-confidence motion fixing the date on 16.03.2026. This action is in utter violation of Section 44(3) of the Bihar Panchayat Raj Act, without considering that the petitioner had to fix the date for no-confidence motion within 15 days, a period which was set to expire on 08.03.2026. The Up-Pramukh, acting in collusion with other members, has fixed this date by exceeding his jurisdiction and usurping the power of the Up-Pramukh.

A true photocopy of the letter dated 06.03.2026 issued by the Up-Pramukh is annexed herewith and marked as Annexure-P/1.

(i) For a further direction to the respondent authorities not to conduct the no-confidence motion on 16.03.2026, as the issuance of letter by the Up-Pramukh fixing the date is itself without jurisdiction.

(ii) For the quashing of the letter/application dated 27.02.2026 submitted by



the members of the Panchayat Raj Samiti, as well as the consequential letter dated 28.02.2026, Letter No. 155 issued by the Block Development Officer-cum-Executive Officer, as the allegations leveled in the applications are vague and a no-confidence motion cannot be called on the basis of vague allegations.

(iii) To pass any other order or orders as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The relevant facts in brief are that some of the members of the Panchayat Samiti moved the motion of no confidence against the petitioner/*pramukh* on 27.2.2026, which was received by the Executive Officer on 27.2.2026. The Executive Officer forwarded the requisition to the petitioner/*pramukh* by his letter no.155 dated 28.2.2026.

4. Learned counsel for the petitioner submits that by letter no. 65 dated 6.3.2026, the *Up-pramukh* fixed date of 16.3.2026 for considering the no confidence motion moved against the petitioner/*pramukh*.

5. Bereft of unnecessary details, it may be observed here that section 44(3) of the Bihar Panchayat Raj Act, 2006 provides that the *pramukh* on being presented with such a requisition by 1/3rd of the total numbers of members elected shall convene a special meeting on a date falling within 15



days of such requisition. If the *pramukh* fails to call the special meeting, the *Up-pramukh* or 1/3rd of the total number of directly elected members may fix a date for such meeting and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

6. On a bare perusal of the provision as contained under section 43(3) of the Act, it would transpire that on receipt of requisition, it is for the *pramukh* to call the special meeting for considering the motion of no confidence.

7. So far as the instant case is concerned, the requisition having been received by the petitioner/*pramukh* on 28.2.2026, the petitioner/*pramukh* had time till 15.3.2026 to call the meeting, instead the *Up-pramukh* by his letter dated 6.3.2026 itself fixed the meeting for 16.3.2026.

8. In the opinion of the Court, this is clearly in teeth of the provisions contained in section 44(3) of the Act. Reference may also be made to the judgment in the case of ***Munni Khatun vs. State of Bihar & Ors.; 2024 (4) BLJ 820 (DB)***.

9. In the facts and circumstances of the case, the letter dated 6.3.2026 issued by the *Up-pramukh*, Block-



Ghoswari, District- Patna whereby the date of 16.3.2026 was fixed for holding of the special meeting for considering the no confidence motion against the petitioner is hereby set aside.

10. No meeting having been fixed by the *pramukh* pursuant to the requisition dated 27.2.2026 which was the subject matter of the instant writ application, the *pramukh* will be required to fix a date within a period of 15 days from today as contemplated under section 44(3) of the Bihar Panchayat Raj, Act, 2006.

11. The writ application stands allowed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.05.2026
Transmission Date	

