
(2005) 08 PAT CK 0046
In the Patna High Court
Case No : C.W.J.C. No. 7681 of 2005

Avinash Kumar Chourasiya

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 10-08-2005

Acts Referred:

Citation : (2005) 3 BLJR 1896 : (2005) 4 PLJR 50

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : S.B.K. Manglam, for the Appellant; Arup Kumar Chongdar, JC. to AAG-II and Amar Nath Mishra, for the Respondent

Judgement

Barin Ghosh, J.—On 7th May, 2004, 10 out of 19 elected members submitted a requisition with the petitioner for removal of the petitioner from the post of Pramukh and also for removal of the Up-Pramukh. The petitioner did not convene such a meeting. On 8th June, 2004, the requisitionists approached the Executive Officer with a request to convene a meeting in pursuance with the said requisition submitted with the petitioner on 7th May, 2004. In the meantime, on 3rd June, 2005, 14 out of 19 members requested the petitioner to convene a meeting to remove him from the post of Pramukh. In this requisition there was no request to hold a meeting for the purpose of removal of the Up-Pramukh. The petitioner again did not convene a meeting, as was requested on 3rd June, 2005. On 27th June, 2005, the Up-Pramukh directed the Executive Officer to issue a notice convening a meeting to consider the motion of removal of the petitioner from the post of Pramukh, as was requested by the requisitionists on 3rd June, 2005.

2. It is surprising that ignoring the request made on 8th June, 2004 by the requisitionists to convene a meeting to consider two motions i.e. to remove the petitioner from the post of Pramukh and also to consider the motion of removal of the Up-Pramukh, the Executive Officer issued a notice on 27th June, 2005 fixing special meeting on 4th June, 2005 only for the purpose of consideration of

a motion of removal of the petitioner from the post of Pramukh. This is not permissible. The Executive Officer did not act fairly. He could not ignore the original requisition received by him on 8th June, 2004 and act on the basis of the requisition received by him on 27th June, 2005. It appears to me that the Up-Pramukh had not only been able to win over the requisitionists but unfortunately he was also competent to maneuver a government servant, namely, the Block Development Officer functioning as the Executive Officer of the Panchayat Samiti. In politics, it is known that the people have strange panmixia but it is impossible to accept that the politician how so mighty he may be, will be in a position to unjustly influence a Government servant and bend him to work for his own advantage. That is not permissible and accordingly the meeting held pursuant to the notice dated 22nd June, 2005 is quashed. The petitioner's status as Pramukh, by reason of this order, will not stand revived for the members had though in an illegally held meeting, expressed their no confidence in he petitioner, and accordingly the Up-Pramukh for the time being shall run the administration of the Panchayat Samiti only for the purpose of carrying out the day to day activities of the Panchayat Samiti. He is restrained from taking any policy decision and also restrained from spending any money belonging to the Panchayat Samati except for the purpose of meeting day to day expenses of the Panchayat Samiti..

3. The Executive Officer is directed to forthwith issue a notice convening a special meeting in terms of the request made to him by the requisitionists on 8th June, 2004 for the purpose of consideration of a motion for removal of the Pramukh and also for the purpose of consideration of a motion for removal of the Up-Pramukh.

4. Let such notice be issued as quickly as possible but not later than 7 days from the date of service of a copy of this order upon the Executive Officer concerned. The Executive Officer is directed to ensure that there are 7 clear days in between the date of the notice and the date of the meeting.

5. This disposes of the writ petition. There shall be no order as to costs.