
(2008) 08 PAT CK 0049
In the Patna High Court
Case No : CWJC No. 12617 of 2008

Kishwar Nasim @ Kishwar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 26-08-2008

Acts Referred:

Bihar Panchayat Raj Act, 2006 — Section 44(3)(v)

Citation : (2008) 4 PLJR 87

Hon'ble Judges : Ramesh Kr. Datta, J

Bench : Single Bench

Judgement

Ramesh Kr. Datta, J.—The main submission, apart from others, of Learned Counsel for the petitioner is that the notice fixing the date of meeting for "No Confidence" motion for 27.8.2008 did not contain any reasons/ charges which are the mandatory requirements u/s 44(3)(v) of the Bihar Panchayat Raj Act, 2006. However, admittedly, the requisition did contain the charges/reasons and the same has come to the notice of the petitioner both by registered post as well as on the requisition being put up before her by the Executive Officer-cum-Block Development Officer. this Court has referred another similar matter, namely, CWJC No. 10605/2008 (Radhe Raman vs. The State of Bihar & Ors.) to a Division Bench in view of the points being decided to the contrary by another single Judge Bench of this Court in a judgment reported in Bindu Devi and Another Vs. State of Bihar and Others, .

2. In the aforesaid circumstances, this case is also referred to a Division Bench to be heard alongwith CWJC No. 10605/2008.

3. Let this case be placed before the appropriate Division Bench after obtaining the orders of Hon"ble the Chief Justice.

4. Learned Counsel for the petitioner is directed to file a second copy of the brief within a period of two days from today.

5. It is made clear that any decision taken at the special meeting to be held on

27.8.2008 shall be subject to the result of the writ petition. Learned Counsel for the petitioner is at liberty to move the matter for early hearing before the appropriate Bench.