
(2008) 11 PAT CK 0098
In the Patna High Court
Case No : CWJC No. 13194 of 2008

Prabhu Yadav

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 27-11-2008

Acts Referred:

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

Citation : (2009) 2 PLJR 514

Hon'ble Judges : Ramesh Kr. Datta, J

Bench : Single Bench

Advocate : Vindhyachal Singh, Umesh Kumar and Prashant Kumar, for the Appellant; Manushankar Mishra, Suresh Mishra for the State, M/s S.P. Srivastava, Rajeev Ranjan, Mithilesh Kumar Singh and Kumar Ravish for Private Respondents, for the Respondent

Final Decision : Allowed

Judgement

Ramesh Kr. Datta, J.—Heard learned counsel for the parties. The petitioner seeks quashing of the letter dated 27.8.2008 issued under the signature of the Executive Officer-cum-Block Development Officer, Khaira, Jamui convening special meeting on 5.9.2008 to consider the proposal of no confidence motion against the petitioner-Up-Pramukh of the Khaira Panchayat Samiti and other consequential reliefs.

2. The main ground taken by learned counsel for the petitioner is that the notice dated 27.8.2008 for convening the special meeting on 5.9.2008 for considering no confidence motion against the petitioner does not contain clear and specific charges as per the requirement of Section 44(3)(v) of the Bihar Panchayat Raj Act, 2006 and whatever allegations made therein are vague, non-specific and general.

3. It is stated by learned counsel for the petitioner that the allegation is that whenever the petitioner had presided over the meetings of the Panchayat Samiti as its Adhyakshya he had not performed his duty in proper manner and shown

disrespect towards the members. Learned counsel submits that as a matter of fact, the petitioner had presided over the meeting of the Panchayat Samiti only once on 2.5.2008 and thus prima facie the charges appear to be not made out and in any case the manner in which the charges have been laid out no fruitful discussion are possible with respect to the same.

4. In support of the aforesaid proposition, learned counsel for the petitioner relies upon a decision of a Division Bench of this Court in the case of Lalan Singh and Others Vs. The State of Bihar and Others, .

5. Learned counsel for the respondents does not seriously oppose the stand of the petitioner that the charges as contained in the requisition as also the notice for convening the special meeting are vague, non-specific and general and not clear and specific.

6. In the above circumstances, the writ petition is allowed and the notice dated 27.8.2008 is quashed. It is made clear that since the impugned requisition has been held to be not in accordance with the provisions of the Act, therefore, it would be open to the respondent-members of the Panchayat Samiti to proceed afresh in the matter in accordance with law.