



राज्य निर्वाचन आयोग
बिहार
STATE ELECTION COMMISSION,
BIHAR

पत्र संख्या-पं0नि0 30-85/2024
प्रेषक,

सचिव,
राज्य निर्वाचन आयोग, बिहार।

सेवा में,

जिला पदाधिकारी-सह-
जिला निर्वाचन पदाधिकारी (पंचायत),
बक्सर।

पटना, दिनांक-

विषय:- प्रखंड सिमरी के प्रमुख एवं उप प्रमुख के रिक्त पद पर निर्वाचन को स्थगित करने के संबंध में।
प्रसंग:- आयोग का पत्रांक 3672 दिनांक 30.09.2024 एवं LPA No 941/2024 में माननीय उच्च न्यायालय पटना का आदेश

महाशय,

निदेशानुसार उपर्युक्त विषय के संबंध में कहना है कि आयोग के विद्वान अधिवक्ता द्वारा e-mail के माध्यम से सूचित किया गया है कि LPA NO 941/2024 में माननीय उच्च न्यायालय पटना द्वारा दिनांक 01.10.2024 को सुनवाई करते हुए आयोग के प्रासंगिक पत्र द्वारा सिमरी प्रखंड के प्रमुख एवं उप प्रमुख के रिक्त पद पर निर्धारित दिनांक 15.10.2024 को होने वाले निर्वाचन को अगले आदेश तक स्थगित कर दिया गया है। (आदेश की प्रति संलग्न)

उक्त परिप्रेक्ष्य में अनुरोध है कि माननीय न्यायालय के आदेश के आलोक में सिमरी प्रखंड के प्रमुख एवं उप प्रमुख के रिक्त पद पर निर्धारित दिनांक 15.10.2024 को होने वाले निर्वाचन को अगले आदेश तक स्थगित रखी जाय एवं तत्संबंधी निदेश से सभी संबंधित को अवगत कराने की कृपा की जाय।

अनुलग्नक:-यथोक्त।

विश्वासभाजन,

सचिव।

ज्ञापांक पं0नि0 30-85/2024-

पटना, दिनांक -

प्रतिलिपि : मुख्य सचिव, बिहार के विशेष कार्य पदाधिकारी/पुलिस अधीक्षक (चुनाव प्रशाखा) पुलिस महानिदेशक का कार्यालय, बिहार/अपर मुख्य सचिव, पंचायती राज विभाग, बिहार सरकार, पटना/आयुक्त, पटना प्रमंडल, पटना एवं पुलिस अधीक्षक, बक्सर को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

सचिव।



State Election Commission BIHAR <secbihar@gmail.com>

Intimation of stay of election scheduled on 15/10/24 for simr block panchayat samiti in Ipa no. 941/24

1 message

Ravi Parmar <rparmar21@gmail.com>

To: State Election Commission BIHAR <secbihar@gmail.com>

Tue, Oct 1, 2024 at 12:53 PM

The secretary,

In respect of subject aforementioned it is stated that above mentioned matter was taken up for hearing today and after hearing the matter the honourable court was pleased to issue notice to non appearing respondents and election scheduled on 15/10/24 has been stayed till further orders.

This is for your kind perusal and necessary action. concerned orders may be checked on website of the high court.

Thanking You

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1.10.24

21/10/24
21/10/24
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21/10/24
01/10/24

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.941 of 2024

In

Civil Writ Jurisdiction Case No.617 of 2024

Priyanka Devi @ Priyanka Pathak W/o Niraj Kumar Pathak, Resident of Village and P.O.- Niyazipur, P.S. Simri, District- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Buxar.
5. The Sub-Divisional Officer, Dumraon, District- Gaya.
6. The Block Development Officer, Simri-cum-Executive Officer, Block Panchayat Samiti, Simri, District- Buxar.
7. The District Panchayati Raj Officer, District- Buxar.
8. The Block Panchayati Raj Officer, Simri, District- Buxar.
9. Chandan Kumar, Son of Subhash Kumar, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
10. Pramod Mishra, Son of Kanhaiya Mishra, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
11. Asha Devi, Wife of Bachan Mallah, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
12. Vijay Bin, Son of Chhathu Bin, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
13. Santosh Yadav, Son of Kesho Yadav, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
14. Sangeeta Kumari, Wife of Nirmal Kumar Yadav, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
15. Pushpa Dvi, Wife of Om Prakash Singh, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
16. Dinesh Kumar Sahu, Son of Sati Sahu, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive



Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.

17. Moti Jhariya Devi, Wife of Shiv Munni Yadav, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
18. Angad Kumar Singh, Son of Ram Byas Singh, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
19. Sushila Devi, Wife of Satyanarayan Dubey, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
20. Sima Devi, Wife of Dinesh Singh, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
21. Anshu Kumari, wife of Rohit Kumar, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
22. Rachna Kumari, Wife of Pintu Kumar Yadav, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
23. Pinki Devi, Wife of Sri Bhagwan Singh, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
24. Ajay Kumar Ojha, Son of Ramashankar Ojha, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
25. Surajwanti Devi, Son of Srinath Ram, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
26. Devkaliya Devi, Son of Yamuna Yadav, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
27. Virendra Paswan, Son of Late Banwari Paswan, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
28. Subhash Gond, Son of Bhimal Gond, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
29. Manoj Kumar Ojha, Son of Shambhu Nath Ojha, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.



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30. Bimlesh Kumar Rai, Son of Shiv Kripal Rai, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
31. Deepak Kumar, son of Gopal Prasad, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
32. Chandan Kumar, Son of Subhash Kumar, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
33. Kamlawati Devi, Wife of Hareram Kunwar, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
34. Simpi Devi, wife of Surendra Kumar Paswan, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
35. Gayatri Devi, Wife of Pankaj Dubey, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
36. Reema Rai, Wife of Jay Prakash Rai, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.
37. Puja Devi, Wife of Sanjay Kumar Chaurasiya, The member of Block Panchayat Samiti, Simri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Simri, P.S.- Mufassil, District- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Niranjan Kumar, Advocate Mr. Dilip Kumar, Advocate Mr. Subham Singh, Advocate Mr. Bipin Yadav, Advocate
For the State	:	Mr. Government Advocate 5
For the 16 th Respondent	:	Mr. Rajesh Kumar Mishra, Advocate
For the State Election Commission:		Mr. Ravi Ranjan, Advocate Mr. Girish Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-10-2024

The learned G.P.-5 takes notice for the Respondents



No. 1 to 8.

2. The contention is of multiple violations in the submission of requisition. Annexure-2 series is the requisition of No Confidence Motion addressed to the Executive Officer, which we find *prima facie* to be in violation of Section 44(3)(i) of the Bihar Panchayat Raj Act, 2006.

3. Further the 16th Respondent, who appears through his learned Counsel Mr. Rajesh Kumar Mishra submits that subsequently, as per the directions in the judgment, a No Confidence Motion was convened. The No Confidence Motion was submitted to the *Pramukh* itself. A special meeting was convened and the appellant ousted.

4. The writ petition stood dismissed for default. A further requisition was submitted by the requisitionists and a date was convened, before which the writ petition was restored. In fact, in the writ petition, there was a stay of the first requisition and after the restoration, there was also a direction issued to the Executive Officer to explain as to why the orders of this Court were not complied with.

5. In any event, as of now, there is a second special meeting convened in which the appellant has been ousted.

6. The Standing Counsel for the Election Commission



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submits that a fresh election has been notified on 15.10.2024.

7. We only stay the fresh election notified on 15.10.2024 till a final decision is taken in the appeal.

8. We make it clear that this does not permit the appellant to be restored to the position of *Pramukh*.

9. Issue notice to the Respondents No. 9 to 15 and 17 to 37, both under ordinary process as well as registered cover with AD for which, requisites etc. must be filed within a period of one week.

10. Post on 22.10.2024.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

sujit/-

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