

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11301 of 2014**

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Pukari Devi, wife of Madan Sahni, Resident of village - Tharbitiya Tola Math, P.S. Pakridayal, District - East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, East Champaran cum District Election Officer, East Champaran.
3. Block Development Officer, Tetaria cum Election Officer, Tetaria, East Champaran.
4. Shakuntala Sinha, Wife of Rameshwar Narayan Singh, R/o Tetaria, P.S.- Pakridayal, District - East Champaran.
5. Anita Devi, W/o Radheshyam Roy, R/o village - Manjhouliya, P.S. Pakridayal, District - East Champaran.
6. Fulkanti Devi, w/o Nibhay Sahani, R/o Bankhula Bhagwanpur, P.S. Pakridayal, District - East Champaran.
7. Rajkali Devi, w/o Ramchandra Giri, R/o Bankhutha, P.S. Pakridayal, District - East Champaran.
8. Ranju Devi, w/o Rinku Singh, R/o village - Ramban, P.S. Pakridayalpur, District - East Champaran.
9. Sangeeta Devi, w/o Om Prakash Sahani, R/o Tharbitiya Tola Math, P.S. Pakridayal, District - East Champaran.
10. Haiwanti Devi, w/o Lalan Sahi, R/o Bankhula, P.S. Pakridayal, District - East Champaran.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Respondent/s : Mr. Anshuman Singh, GP-24

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      22-09-2015                      Heard Mr. Arvind Kumar Singh, learned counsel  
  
appearing for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the judgment and order dated 22.1.2014 passed in Election Petition No.6 of 2011 by the Election Tribunal –cum- Munsif, Sikrahana at Motihari, whereby the election case has been dismissed.

The facts are in a very narrow compass. The election to the post of Mukhiya, Gram Panchayat Raj, Tharbitiya in the



district of East Champaran was held on 24.4.2011 and the election result was declared on 26.5.2011 in which the private respondent no.4 has been declared elected. The petitioner charges the election result with irregularities in counting and in recounting. The election dispute so preferred by the petitioner having been dismissed, she is before this Court.

Mr. Arvind Kumar Singh, learned counsel appearing for the petitioner with reference to the allegation made in paragraphs 11 and 12 of the election petition submits that even when the petitioner had charged the election authorities with irregularities in counting and recounting, it was open for the Election Tribunal to consider the prayer in the light of the pleadings made, but the Election Tribunal has failed to discharge its obligation.

I have heard learned counsel for the parties and I have perused the records.

It is not in dispute that the recount was done at the instance of the petitioner. Meaning thereby whether in the first count and/or in the recount the result has remained in favour of the private respondent. Although some kind of allegation is made in paragraphs 11 and 12 of the election petition but except charging of irregularity in general manner there is no prayer of fresh inspection of ballot. In fact such is not even the prayer of

the petitioner requesting the Election Tribunal for inspection of the ballot. The court below on amongst other issues has framed issue regarding irregularity in counting and recounting as issue nos.4 and 5 and which has been discussed in paragraph 12 onwards. The court below after examining the law on the issue of counting and recounting as well as the pleadings and evidence led by the petitioner to support her allegation, has decided the issue against the petitioner to dismiss the election case. This Court also in absence of any specific instances supporting the charge of irregularity in counting and in absence of any evidence supporting such charge and taking note of the fact that no such prayer has been made by the petitioner for inspection of the ballot is not persuaded to interfere with the judgment and order impugned.

The writ petition is dismissed.

**(Jyoti Saran, J)**

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