

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.881 of 2014

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Shailendra Kumar Singh son of Late Arjun Prasad Singh, resident of Village- Udhadih, Police Station- Sultanganj, District- Bhagalpur, at Present Posted as Head Master, Middle School, Gangakar-Hariya Block - Bauradhi, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate cum District Election Officer, (Panchayat) Banka
3. The District Magistrate, Banka
4. The State Election Commissioner, Bihar through its Secretary
5. The State Election Commissioner, the State Election Commission, Bihar, Patna
6. The Joint Election Commissioner, the State Election Commission, Bihar, Patna
7. Muni Lal Paswan son of name not known to the Petitioner, resident of Village - Gonarchak, Police Station-Dhoriya, District - Banka

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
Mr. Ravi Prakash, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, Advocate

For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 09-02-2015 Counsel for the parties are present.

The petitioner has questioned that part of the order dated 20.3.2013 passed by the State Election Commission whereby it has issued directions for institution of an FIR against the petitioner.

Mr. Shailendra Kumar Dwivedi, learned counsel appearing on behalf of the petitioner submits that the direction has no foundational basis and thus is not sustainable but even while

making such submission he fairly admits that following such direction, an FIR has already been instituted.

Considering the circumstances and submission of Mr. Dwivedi as well as the fact that the order of the State Election Commission to the extent it is impugned in this writ petition has already taken its effect and an FIR has already been instituted, the proper course for the petitioner for the grievance raised herein would be by filing an appropriate application questioning the FIR on its own merits before the appropriate forum.

With the liberty aforementioned, the writ petition is disposed of.

S.Sb/-

(Jyoti Saran, J)

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