

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21005 of 2014

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Jitesh Kumar, son of Sri Yogendra Yadav, resident of Village-Milkipur, P.O.-Mora Talab, P.S.-Rahui, District-Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State Election Authority, Bihar, Patna through the Secretary.
2. The Chief Election Officer, the State Election Authority, Bihar, Patna.
3. The District Election Officer, Nalanda at Biharsharif, District-Nalanda at Biharsharif.
4. The Returning Officer, PACCS Election Rahui Block -cum- Block Development Officer, Rahui, District-Nalanda at Biharsharif.
5. Sri Ramesh Prasad Singh, son of Sri Balendra Prasad, resident of Village-Milkipur, P.O.-Mora Talab, P.S.-Rahui, District-Nalanda at Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam
Mr. Chandan

For the Respondent/s : Mr. Mukesh Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 07-04-2015

Learned counsel for the parties are present.

This matter has been listed under the heading 'To be mentioned' at the instance of learned counsel for the petitioner who prays for disposal of the writ petition to enable him to avail the statutory remedy available to him.

The petitioner prays for a direction to the respondent authorities to recount the votes polled in the election of Chairman of Amba Primary Agriculture Credit Cooperative Society under Rahui Block of Nalanda district.

Any issue raised in connection with the improper reception, refusal or rejection of vote is an election dispute under section 12(d) (iii) of the Bihar State Election Authority Act, 2008 and has to be raised by filing an election petition under

section 10 thereof read with section 48 of the Bihar Cooperative Societies Act, 1935 before the statutory authority.

Mr. S.B.K. Manglam, learned counsel appearing on behalf of the petitioner has submitted that there is a limitation prescribed for raising any election dispute which is 90 days from the date of declaration of result and though the petitioner has approached this Court within the prescribed period of limitation but during its pendency the same has expired.

Having considered the submissions of Mr. Manglam, learned counsel appearing for the petitioner and taking note of the statutory provisions underlying the Bihar State Election Authority Act, 2008 and the Bihar Cooperative Societies Act, 1935 and 'the Rules' framed thereunder this writ petition is disposed of with a liberty to the petitioner to take recourse to the statutory remedy so available to him under the enactments and any such application being filed within 30 days from today shall be deemed to be an application filed within the prescribed period and shall be considered and disposed of by the statutory authority in accordance with law and considering that it is a election dispute the statutory authority would be well advised to dispose of the same expeditiously.

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(Jyoti Saran, J)

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