

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2805 of 2014

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1. Ashok Ram S/O Sri Jagdish Ram Resident of Bakhari Bazar, Post + P.S.-
Bakhari District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Election Commission, through its Secretary Sone Bhawan,
Patna
3. The District Magistrate Begusarai
4. The Sub-Divisional Officer, Bakhari Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Adv.

For the Respondent/s : Mr. Dhurjati Kr Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 09-03-2015 Heard Mr. Saroj Kumar Sharma, learned counsel for the
petitioner, learned counsel for the State and Mr. Girish Pandey,
learned counsel for the State Election Commission.

The petitioner is aggrieved by the order dated 4.12.2013
passed by the State Election Commission in Election Case No. 30
of 2013 whereby the petitioner has been disqualified under Section
135 and 136(2) of the Bihar Panchayat Raj Act, 2006 (hereinafter
referred to as 'the Act') for holding the post of Member of the
Zila Parishad, Begusarai, inter alia on grounds that the
constituency from where he was voter now forms part of the
Nagar Panchayat.

The provisions of Section 135 creates a pre-condition for a

person to contest the Panchayat Election to be a voter of the concerned Panchayat and in the present case it is not in dispute that the constituency from where the petitioner contested the election now forms part of the Nagar Panchayat meaning thereby his name stands struck off from the voter list of the Zila Parishad and now forms part of the Nagar Panchayat.

In view of the statutory provisions underlying Sections 135 and 136 (2) of the Act I find no infirmity with the order passed by the State Election Commission to interfere therewith and this writ petition is accordingly disposed of.

(Jyoti Saran, J)

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