

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3825 of 2014**

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1. Kumar Abhishek Son of Shukun Prasad Resident of Mohalla - Shivganj,  
P.S. Nawada, Arrah, District - Bhojpur At Arrah

.... .... Petitioner/s

Versus

4. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna  
2. The State Election Commissioner, State Election Commission, Bihar,  
Patna  
3 The Joint Election Commissioner - Cum - Additional Secretary, State  
Election Commission, Bihar, Patna  
4.The Secretary, Urban Development and Housing Department,  
Government of Bihar, New Secretariat, Patna  
5.The Divisional Commissioner, Patna Division, Patna  
6.The District Magistrate - Cum - District Election Officer ( Municipality ),  
Bhojpur, District - Bhojpur at Ara  
7.The Municipal Commissioner, Ara Municipal Corporation, Arrah, District  
- Bhojpur at Arrah  
8. The Mayer/Chief Councillor, Ara Municipal Corporation, Arrah, District  
- Bhojpur at Arrah  
9.Mr. Basant Singh Son of Sri Ram Kripal Singh Resident of Mohalla -  
Maulabagh, P.S. Ara Town, District - Bhojpur At Ara, Then Deputy Chief  
Conselor/Deputy Mayor  
10.Mrs. Urmila Devi W/O Gauri Shankar Lal, Ward Councilor Of Ward  
No.28, Municipal Corporation, Arrah Resident Of Mohalla - Raija, P.O.  
Arrah Chowk, Arrah, P.S. Arrah Town, District - Bhojpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Nityanand Mishra, Adv.  
For the Respondent/s : Mr. Prasoon Sinha, Adv.

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

3      13-04-2015      Heard Mr. Nityanand Mishra, learned counsel for the  
petitioner, learned counsel for the State and Mr. Amit Srivastava,  
learned counsel for the State Election Commission.

This writ petition was filed as a public interest litigation  
however the Division Bench taking note of the grievance raised,  
permitted the petitioner to amend the subject and that is how this  
matter is listed before this Court.

The petitioner questions the election of the Chief

Councillor, Ara Municipal Corporation inter alia on grounds that two of the Councillors namely, Mr. Basant Singh and Ms. Urmila Devi had been disqualified by the State Election Commissioner on 3.9.2013 and 29.10.2013 respectively.

Even though this Court has reservation as to whether the petitioner has any locus to question an internal election of Chief Councillor which took place under the provisions of the Bihar Municipal Act, 2007 and whereunder it is the elected Councillors who elect the Chief Councillor among themselves, even otherwise the petitioner's grievance is without any merit, baseless and appears to be motivated.

It is admitted by Mr. Nityanand Mishra, learned counsel for the petitioner that the election of the Chief Councillor took place in the year, 2012. Meaning thereby that on the date of election of the Chief Councillor Mr. Basant Singh and Ms. Urmila Devi validly held the post of Councillors and thus were entitled to vote and their subsequent disqualification on 3.9.2013 and 29.10.2013 cannot invalidate the election which took place prior to the said date.

The writ petition being thoroughly misconceived, is dismissed accordingly.

Bibhash/-

**(Jyoti Saran, J)**

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