

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2902 of 2013

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1. Jawahar Singh Yadav S/O Late Chilar Singh R/O Vill-Panchagaon, P.O.-
Khaira, P.S.-Sonahan, Distt-Kaimur at Bhabhua

... Petitioner/s

Versus

1. The State Election Commission (Panchayat) through the State Election Commissioner, Sone Bhawan, Birchand Patel Path, Patna
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
3. The Joint Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
4. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate-Cum-District Election Officer, Kaimur At Bhabhua, Distt-Kaimur At Bhabhua
6. The Block Development Officer, Bhabhua, Distt-Kaimur At Bhabhua
7. Ramanoj Bind S/O Not Known Through The Block Development Officer, Bhabhua, Distt-Kaimur At Bhabhua

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. P.K. Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 09-10-2015 Heard learned counsel for the parties.

The writ petition is directed against the order dated 23.1.2013 passed by the State Election Commission in Case no. 16 of 2011 whereby the review filed by the petitioner has been disposed of without interfering with the main order passed on 25.9.2012.

Facts of the case briefly stated is that the petitioner returned as a Mukhiya, Gram Panchayat, Mahuari in the district of Kaimur in the election. A complaint was made before the State Election Commission complaining that the petitioner had suppressed

mentioning of criminal case in the affidavit filed along with the nomination form. The complaint was upheld and the petitioner was disqualified and a direction was given to the District Magistrate to institute F.I.R. The petitioner approached this Court in C.W.J.C.No.20038 of 2012 and a bench of this Court without interfering with the impugned order permitted the petitioner to seek review. Following the liberty that a review was filed and which has been rejected, hence this writ.

A counter affidavit has been filed and at paragraph 10 thereof it is stated that the F.I.R. has been instituted although the details thereof has not been mentioned. Neither the counsel for the petitioner nor the counsel for the State or the Commission are aware of the number of the F.I.R. However since a statement has been made on oath by the Block Development Officer by filing a counter affidavit regarding institution of an F.I.R., it means that the order has taken its effect rendering the writ petition infructuous which is disposed of accordingly.

The petitioner if so advised, may take recourse to such other remedy as may be available to him for questioning the F.I.R. before the appropriate forum.

(Jyoti Saran, J)

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