

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21186 of 2013

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Munni Devi, W/O - Awadhesh Rajak, R/O - Village - Bihta, P.O. - Alipur,
P.S. - Bakhtiyarpur, District – Patna.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Department of Home, Government of India.
2. The Director, Central Bureau of Investigation, New Delhi.
3. The Director, Scheduled Castes and Scheduled Tribes Commissions, Government of India, New Delhi.
4. The State of Bihar through Principal Secretary, Department of Home, Government of Bihar.
5. The District Magistrate, Patna.
6. The Sub-Divisional Officer, Barh.
7. Block Development Officer, Bakhtiyarpur.
8. Pramila Devi, Wife of Yadunandan Kumar, Resident of Village Saidpur, P.O. Karauta, P.S. Bakhtiyarpur, District – Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Respondent-State : Mr. Anil Kr Uapdhyay, SC-20 with
Mr. Naresh Prasad, AC to SC-20
For the Union of India : Mr. Anshuman Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-11-2015 Heard the parties.

It is the grievance of the petitioner that the private respondent by projecting herself to be a reserve category candidate belonging to scheduled castes when actually she is ‘Yadav’ by caste, has been successful in the election held for the post of Member, Zila Parishad. The petitioner has also stated in paragraph 12 of the supplementary affidavit that she has filed an application in this regard making such complaint but the same is pending. The details of any such application so stated to have

been filed, are missing in the supplementary affidavit.

In the circumstances, the only order which this Court can pass is to give liberty to the petitioner to represent before the State Election Commission giving the details of the complaint which she has filed against the election of private respondent and in case any such application/complaint has been filed by the petitioner before the State Election Commission under section 137(2) of the Bihar Panchayat Raj Act, 2006 the same shall be considered and disposed of by the State Election Commission in accordance with law and after giving opportunity of hearing to the private respondent.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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