

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1455 of 2002

Dr. Qurban Haider son of Late Zulfequar Haider, resident of Mohalla Naya Kila
P.S. Siwan district Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State Election Commission, through the Commissioner Sone Bhawan,
Virchand Patel Marg, Patna.
3. The Collector, Siwan.
4. The Sub-divisional Officer, Siwan.
5. The Secretary, State Election Commission, Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Manoj Kumar Jha, AC to GP-26.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-04-2015

This case was called on 27th March 20015 and 30th March 2015

but no one turned up on behalf of petitioner to press this petition.

This Court has no other alternative but to dispose of the
matter on the basis of materials available on the record.

This matter relates to reservation of seat in the Panchayat
Election where prayer has been made as follows:

a) To direct the respondents not to reserve the petitioner's
ward for women on the ground of circular issued on
12.10.2001.

(b) To direct the respondent Collector to act according to the
Circular issued on 12.10.2001 by the Secretary State Election
Commission, Bihar, Patna.

© To direct the respondent not to reduce the number of wards
from 32 to 28.

(d) To direct the respondents not to go beyond the circulars
given for Scheduled caste and Scheduled Tribe and women

reservation quota fixed by the Government.

(e) To direct the respondents not to reduce the number of wards with a sole purpose to deny the petitioner to contest the election.

(f) To direct the respondent not to give more than one third reservation to women and other reserved category out of total seats/wards.

(g) To direct the respondent nos. 2 to 4 to count scheduled caste and scheduled tribes with the general voters and population of the entire area/wards should be fixed accordingly.

(h) Any other relief/reliefs to which the petitioner is entitled under the facts and circumstances of the case.

Claim has been made that reservation for the women as per Patna Municipal Corporation Act will be 1/3rd of the total ward but the reservation has been made more than 1/3rd and, as such, it is not unsustainable.

Challenge has been made with respect to election for 2002, as such, the term of each Ward Commissioner must have been completed and there must have been fresh election and new Ward Commissioner must have been elected.

In such view of the matter, the present application has rendered infructuous, does not require any interference by this Court at this stage.

Accordingly, this petition is dismissed as infructuous.

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(Shivaji Pandey, J)