

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14274 of 2015

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Dilip Kumar, son of Madan Yadav, resident of village- Naudiha, P.O.- Ilra,
P.S.- Cherki, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Election Authority, Bihar, Patna.
3. The District Magistrate -cum- Election Officer, Gaya.
4. The Registrar, Co-operative Societies, Bihar, Patna.
5. The Joint Registrar, Co-operative Societies, Magadh Division, Gaya.
6. The Block Development Officer, Bodh Gaya cum Block Election Officer (PACCS), Bodh Gaya.
7. Sarwan Mahto, son of Krishna Mahto, resident of village- Dhandhawan, P.S.- Civil Aero Dram, District- Gaya.
8. Sohan Yadav, son of Late Bishundeo Yadav, resident of village- Dhandhawan, P.S.- Civil Aerodra, District- Gaya.
9. Indu Devi, wife of Ramesh Kumar Yadav, resident of village- Ilra, P.S.- Ilra, P.S.- Cherki, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Respondent/s : Mr. S.K. Sharma, GA-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-09-2015

Heard Mr. Anil Chandra, learned counsel appearing

for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the order dated 11.4.2015/28.4.2015 passed in Election Dispute Case No.470 of 2014, whereby the respondent Joint Registrar, Cooperative Societies, Magadh Division, Gaya has been pleased to dismiss the election petition filed by the petitioner seeking recount of the votes. The prayer has been rejected on grounds of absence of supportive materials to support the prayer for inspection and

recount.

Pleadings on record also does not support whether any such application was filed before the Returning Officer complaining of any irregularity in counting at any stage. The election petition is also not on record and thus the ground set up for recount is also not available. The order of the prescribed authority impugned in this writ petition rejects the prayer on grounds of absence of supportive documents.

Though Mr. Chandra, learned counsel appearing for the petitioner endeavoured hard to support the prayer made by the petitioner for recount but considering the law so settled on the issue a prayer for inspection and recount cannot be granted on a mere asking rather such prayer has to be accompanied with cogent grounds and supportive materials which are manifestly absent here. In my opinion the prayer for recount made by the petitioner not being accompanied with valid grounds, no case for indulgence is made out.

The writ petition is disposed of accordingly. .

(Jyoti Saran, J)

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