

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11414 of 2012

=====

Hasbun Nisha, Wife of Rahmat Ali, Resident of Village- Dumaria, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat), 3rd Floor, Sone Bhawan, Bir Chand Patel Path, Patna through the State Election Commissioner.
2. The District Magistrate -Cum- District Election Officer (Panchayat), Gopalganj, District- Gopalganj.
3. The Block Development Officer, Bhore Block -Cum- Returning Officer, Uchkagaon Block, P.O. and P.S. Uchkagaon, District- Gopalganj.
4. The Agriculture Officer, Uchkagaon Block -Cum- Assistant Returning Officer, P.O. and P.S. Uchkagaon, District- Gopalganj.
5. Renu Devi, Wife of Nagendra Singh, resident of Village- Harpur, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.
6. Rinku Devi, Wife of Sanjay Singh, Resident of Village- Parballia, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.
7. Tetari Devi, Wife of Dharam Nath Choubey, Resident of Village- Haraiya, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.
8. Jamila Khatoon, Wife of Anwarul Haque, Resident of Village- Dharam Chak, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.
9. Kaushalya Devi, Wife of Hari Shankar Sharma, Resident of Village- Harpur, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.
10. Rashida Khatoon, Wife of Jalaluddin, Resident of Village- Shabi Tola, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.
11. Hasina Khatoon, Wife of Abdullah, Resident of Village- Sakhe Gaon, P.O. Sakhe Khas, P.S. Uchkagaon, District- Gopalganj.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	: Mr. S.B.K. Manglam Mr. Ravi Ranjan
For the Respondent-State	: Mr. Sushant Praveer, AC to SC-27
For the respondent-SEC	: Mr. Amit Shrivastava Mr. Sanjeev Nikesh
For the Respondent No.2	: Mr. Raju Giri Mr. Santosh Kumar Mishra

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

9 15-09-2015

Heard Mr. S.B.K. Manglam, learned counsel

appearing for the petitioner, learned counsel for the State, Mr.

Sanjeev Nikesh, learned counsel appearing for the State

Election Commission and Mr. Santosh Kumar Mishra, learned counsel appearing for the respondent no.5.

The petitioner is aggrieved by the judgment and order dated 30.4.2012 passed by the Munsif –cum- Election Tribunal, Gopalganj, whereby the election petition bearing Election Petition No.05 of 2011 filed by the petitioner questioning the election of the private respondent no.5 to the post of Mukhiha Gram Panchayat Raj, Harpur under Uchkagaon Block in the district of Gopalganj has been dismissed.

I have heard learned counsel for the parties and I have perused the materials on record.

Perusal of the records manifests that the challenge to the election of the private respondent was made primarily on grounds of irregularity in the vote count particularly of booth nos.40, 41 and 42. The Election Tribunal has framed seven issues on the basis of the pleadings and evidence on record and of which issue nos.5 and 6 are the issues which are the foundation for contest and have been discussed at paragraph 11 of the judgment. Paragraph 14 of the judgment manifests that an application for recount was made by the election petitioner before the Returning Officer on a plain sheet and which in fact

was also acted upon but even after recount the private respondent secured 20 extra votes than the election petitioner. It is on the basis of the evidence on record that the Election Tribunal has formed its opinion that there was no irregularity in the counting and considering the reasons assigned by the court below I am not persuaded to interfere therewith.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--