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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4167 of 2015

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1. Nirmala Devi, Wife of Shri Anil Singh, Resident of Village - Baduri, P.O- Rajipur, P.S.- Rani Talab, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Electoral Officer, State Election Authority, Bihar, Patna.
2. The Chief Electoral Officer, Bihar State Election Authority, 32, Harding Road Patna.
3. The District Magistrate, Patna.
4. The Sub Divisional Officer, Paliganj District- Patna.
5. The Block Development Officer -cum- Returning Officer, Dulhin Bazar Block (PACS election), District- Patna.
6. Circle Officer-cum- Zonal Magistrate, Dulhin Bazar Anchal, District- Patna.
7. Laldeo Yadav, son of Harinandan Yadav, Resident of - Village- Rajipur, P.O.- Rajipur, P.S.- Rani Talab, District- Patna.
8. Manoj Kumar Singh, Son of Harinandan Yadav, Resident of- Village- Rajipur, P.O.- Rajipur, P.S.- Rani Talab, District- Patna.
9. Block Cooperative Officer, Dulhin Bazar, Anchal District Patna

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ambrish Kumar, Adv.
For the Respondent/s : Mr. Harish Kumar, GP-32
For the S.E.C. : Mr. Mukesh Kumar Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-03-2015 Heard Mr. Ambrish Kumar learned counsel for the petitioner, learned counsel for the State and Mr. Mukesh Kumar Thakur learned counsel for the State Election Authority.

Though the grievance of the petitioner appears genuine in as much as his name appearing at Sl. No. 957 of the voter list published on 31.7.2014 that he filed his nomination to contest the election to the Rajipur Primary Agriculture Credit Co-operative Society, District Patna. However, since there were no sufficient

nominations received to constitute a quorum that the election did not take place and was postponed.

The voter list was again published on 27.1.2015 and vide Notification dated 19.12.2014 of the State Election Authority placed at Annexure-4, objections were invited to be filed until 20.1.2015. The petitioner admittedly did not file any objection. It is his case that he came to know about the voter list only on 3.3.2015 and whereafter he filed an objection before the Block Development Officer on 4.3.2015 but the same remained pending and has not been disposed of. He has also drawn attention of the District Magistrate, Patna by filing an application, a copy of which is placed at Annexure-A on 12.3.2015 but to no result and hence this writ petition.

Learned counsel has relied upon a Circular of the State Election Authority dated 13.2.2015 to submit that the State Election Authority has directed that all nominations which had been filed in the previous exercise would be valid and such nominee were not required to again file nomination. He submits that in absence of the name of the petitioner in the voter list published on 27.1.2015, his name does not find mention in the ballot papers. He prays for appropriate directions.

I have heard the parties. As observed earlier, the grievance

is genuine in as much as even when the nomination of the petitioner filed earlier, has not been rejected yet he cannot contest because his name stands deleted from the voter list published on 27.1.2015. The election is to be held tomorrow i.e. 20.3.2015. It is to late in the day to now direct the State Election Authority to either postpone the election or to accommodate the petitioner as the exercise is at the final stage. It is admitted position that until 20th January 2015 no objection was filed by the petitioner and even the present writ petition has been filed virtually when the election is at the door steps.

In the circumstances this Court is not persuaded to interfere with the election so posted for 20th March 2015, however, while holding as such it would afford liberty to the petitioner to take recourse to such other remedy as is available to him under the provisions of Bihar State Election Authority Act, 2008 read with the provisions of the Bihar Cooperative Societies Act,1935 and the rules framed thereunder.

This order would not however, preclude the Returning Officer-cum-Block Development Officer from disposing of the grievance of the petitioner as reflected from his representation dated 4.3.2015 placed at Annexure-7 to the writ petition and which should be disposed of in accordance with law within a

maximum period of four weeks from the date of receipt/production of a copy of this order.

This application is disposed of.

(Jyoti Saran, J)

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