

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14929 of 2015

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Jaldhali Devi W/o Gultan Prasad Das R/o Village - Loharpatti Road, PO + PS + District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General and Administrative Department, Government of Bihar, Patna.
2. The State Election Commission, Bihar, Patna.
3. The District Magistrate-cum-District Election Officer (Nagar Palika), Kishanganj, District Kishanganj.
4. The Executive Officer, Nagar Parishad, Kishanganj, District Kishanganj.
5. The Sub-Divisional Officer, Kishanganj, District - Kishanganj.
6. The Block Development Officer, Kishanganj, District Kishanganj.
7. Indu Kumari Bosak @ Indu Kumari Basak D/o Kritish Lal Bosak R/o village Tanti Basti, PO & PS - Kishanganj, District - Kishanganj, at present Ward Councillor of the Ward No. 6, Nagar Parishad, Kishanganj, District Kishanganj.

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Respondent/s	:	Mr. Prasoon Sinha, G.A.-2
		Mr. Prabhat Kumar, AC to G.A.-2
For the State E.C.	:	Mr. Amit Shrivastava, Advocate
		Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 23-09-2015

Counsel for the parties are present.

The petitioner questions the order passed by the State Election Commission in Case No. 4 of 2015 whereby the challenge to the election of the private respondent questioned on grounds of invalid caste certificate, stands disposed of in the light of the order passed by this Court in a batch of writ petitions arising from CWJC No. 14740 of 2014 and analogous cases. The private

respondent was a petitioner in CWJC No. 133 of 2015. A bench of this Court in consideration of the notification of the General Administration Department dated 01.7.2015 allowed the writ petitions and the orders cancelling the caste certificate of the respective petitioners, was set aside. The Court also took notice of the fact that the notification also saves the past benefit derived by the petitioners. It is in the light of the uncontested circumstances that the State Election Commission has dismissed the election case.

No case for indulgence is made out at its present stage since the opinion of the State Election Commission rests entirely on the opinion of the writ Court as well on the scope and intent of the notification of the General Administration Department dated 01.7.2015.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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