

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.300 of 2015

Abid Hussain son of Late Gulam Hussain, resident of Mohalla- Maulbi Tola
Ward No. 25, P.S. and District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary State Election Commission, Bihar, Patna
3. The Deputy Secretary State Election Commission, Bihar, Patna
4. The Principal Secretary, General Administration Department Govt. of Bihar, Patna
5. The District Election officer (Municipality)-cum- District Magistrate, Araria
6. Budh Prakash son of not known, the Election officer Nagar Parishad, Araria
7. The Senior Deputy Collector, Araria
8. The Sub-Divisional Officer, Araria
9. The Block Development officer, Araria
10. The Circle officer, Araria
11. Md. Kamaley Haque son of Late Abdul Qayum, resident of Mohalla – Maulbi Tola Ward no. 25, P.S. and District Araria
12. Azim Akhtar son of Abdulbari, resident of Ward No. 25, P.S. and District Araria

.... Respondent/s

Appearance:

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate
For the State-Respondent/s : Mr. D.K. Sinha, AAG-2
Mr. Alok Kumar Rahi, A.C. to AAG-2
For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 13-02-2015 Counsel for the petitioner, State and the State Election
Commission are present.

Though the petitioner has prayed for cancellation of the
nomination of respondent nos. 11 and 12 as Ward Councillors,



Nagar Parishad, Araria in the District of Araria in respect of Ward No. 25 and also relies upon some applications filed before the State Election Commission, copies of which are present at Annexue-1, Annexure-11 and 11/A respectively apart from representation before other authorities but in the opinion of this Court, in view of the provisions underlying Section 18(2) of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') which exclusively vests jurisdiction in the State Election Commission to consider any case of disqualification, the remedy for the petitioner would lie by filing an appropriate application before the State Election Commission by discussing the issues of disqualification. The Annexures on record do not in any manner make reference to the disqualification incurred by the private respondents except that they have allegedly suppressed correct information.

In the circumstances, the writ petition is disposed of with liberty to the petitioner to take recourse to the remedy as provided under the provisions of Section 18(2) of 'the Act', if so advised.

S.Sb/-

(Jyoti Saran, J)

U			
---	--	--	--