

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17420 of 2015

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Satish Kumar Dubey, son of Late Uday Kumar Dubey, resident of village-
Dadura, P.O.- Mohariahn, P.S. Rajpur, District – Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Government of Bihar, New Secretariat, Patna.
2. The Registrar of Cooperative Societies, Bihar, New Secretariat, Patna.
3. The Additional Registrar, Department of Cooperative, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate cum District Election Officer, Buxar.
5. The District Cooperative Officer, Buxar.
6. The Block Development Officer, Rajpur -cum- Election Officer of Harpur Primary Agriculture Credit Society Limited, Block Rajpur, District Buxar.
7. The Managing Committee of Harpura Primary Agriculture Credit Society Limited at village Dadura, P.O. Mohariahn, P.S. Rajpur, District – Buxar.
8. The Harpura Primary Agriculture Credit Society Limited, through its Paid Manager, village - Dadura, P.O. Mohariahn, P.S. Rajpur, District – Buxar.
9. Sri Sanjay Kumar Dubey, son of Late Sachidanand Dubey, resident of village- Dadura, P.O. Mohariahn, P.S. Rajpur, District- Buxar, Chairman of the Harpura Primary Agriculture Credit Society Limited, District Buxar.
10. Sri Rameswar Nath Dubey, son of Sri Sukhana Dubey, village - Dadura, P.O. Mohariahn, P.S. Rajpur, District – Buxar.
11. Smt. Srimati Devi, Wife of Gupteshwar Chaudhary, village - Dadura, P.O. Rajpur, District – Buxar.
12. Smt. Pratibha Devi, W/o Ajay Dubey village - Dadura, P.O. Mohariahn, P.S. Rajpur, District – Buxar.
13. Smt. Neetu Devi, Wife of Duleep Kumar Dubey, resident of village - Dadura, P.O. Mohariahn, P.S. Rajpur, District – Buxar.
14. Sri Matukdhari Choudhary, son of Late Ram Prasad Choudhary, village- Dadura, P.O. Mohariahn, P.S. Rajpur, District – Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Respondent/s : Ms. Smt. Binita Singh, GP-31

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-11-2015

Heard Mr. Sanjeev Kumar Mishra, learned counsel

appearing on behalf of the petitioner and learned counsel for the

State.

The petitioner is aggrieved by the order dated 8.7.2015/20.7.2015 passed by the Additional Registrar, Cooperative Societies, Bihar, Patna in Election Dispute Case No.276 of 2014 which was heard along with Supersession Case No.192 of 2015 to the extent whereby the Prescribed Authority has been pleased to dismiss the election case.

Although the petitioner also seeks to question the order on the opinion expressed in the supersession case but since that was not one of the grounds raised by the petitioner in his election petition, he cannot be encroaching upon the issues raised in the supersession case and realizing this position Mr. Sanjeev Kumar Mishra, learned counsel appearing for the petitioner does not press the prayer.

I have heard learned counsel for the parties and I have perused the records.

An election of a returned candidate can be questioned only on grounds mentioned under section 12 of the Bihar State Election Authority Act, 2008 (hereinafter after referred to as 'the Act') and 'the Rules' framed thereunder and no other grounds. A copy of the election petition filed by the petitioner is present at Annexure-1 to the writ petition and the grounds are manifestly

absent. The petitioner in fact relies on the information derived under the Right to Information Act to question the election but in my opinion the failure on the part of the petitioner to question the election of the returned candidate who is respondent no.9 herein on any of the grounds so provided under section 12 of 'the Act' and in view of complete absence of explanation as to why no issues were raised by the petitioner before the Returning Officer or why he never prayed for recount of votes before the Prescribed Authority, the petitioner is not found entitled for grant of any indulgence simply on the basis of information derived under the Right to Information Act.

For the reasons aforementioned, I am not persuaded to interfere with the opinion expressed by the Prescribed Authority.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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