

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19045 of 2015

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Lal Babu Singh S/o Shymdeo Singh, Resident of Village - Chella, P.S. - Sandesh, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Registrar, Co-operative Societies, Bihar, Patna.
3. Deputy Registrar, Co-operative Societies, Patna Division, Patna.
4. The Bihar Election Authority through Chief Election Officer, Bihar State, Harding Road, Patna.
5. Election Officer - cum - Block Development Officer, Sandesh, District - Bhojpur.
6. Ramniwas Singh, S/o Chandrama Singh, Resident of Village - Kori, P.O. - Kori, P.S. - Sandesh, District - Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.

For the Respondent/s : Mr. S.K. Saraf, A.C. to G.P.18

For the State Election Authority: Mr. Mukesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 21-12-2015 Heard Mr. Mritunjay Prasad Singh, learned counsel appearing for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the order dated 26.10.2015 passed by the Deputy Registrar, Co-operative Societies, Patna Division, Patna in Election Case No. 29 of 2015 whereby the election case has been dismissed. The petitioner contested the post of Chairman, Kori Primary Agriculture Credit Co-operative Society (hereinafter referred to as the 'PACS') and lost the contest to the respondent No. 6. The petitioner complaining of irregularities in casting of ballots and in counting process, raised an election dispute giving rise to Election Case No. 29 of 2015 and

which has been dismissed by the impugned order and hence this writ petition.

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

The impugned order is fit to be upheld for more than one reason:

- (a) An election cannot be questioned on the anvil of irregularity in the voter list simplicitor.
- (b) Until such time that the petitioner is able to establish that the ineligible voters have contributed to the success of the returned candidate, no such election case is maintainable; and
- (c) There is complete absence of pleadings regarding ineligible voters having contributed to the success of the Chairman or the members of the Managing Committee.

It is taking note of the absence of pleading and evidence on record that the election case was dismissed.

Finding no infirmity in the opinions expressed by the prescribed authority to interfere with the same, the writ petition is disposed of.

(Jyoti Saran, J)

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