

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1672 of 2016

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1. Chandrika Prasad, Son of Late Guru Sahay Prasad Yadav, resident of village- Bhavanpur, P.O- Koriauna, P.S. + Block- Govindpur, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate-cum-District Election Officer (Panchayat), Nawadah.
3. The District Panchayat Raj Officer, Nawadah.
4. The Sub-Divisional Officer, Rajauli, District- Nawadah.
5. The Block Development Officer- cum-Block Election Officer, Govindpur, District- Nawadah.
6. The State Election Commission, Bihar through its Secretary, Patna.
7. The Chief Election Commissioner, State Election Commission, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent-State : Mr. Subodh Kumar, A.C. to G.P-14
For the SEC : Mr. Amit Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-01-2016 Mr. Arun Kumar, learned counsel for the petitioner, Mr. Subodh Kumar, A.C. to G.P.14 for the State and Mr. Amit Srivastava for the State Election Commission.

The petitioner questions the publication made by the District Magistrate under Form-I of the Bihar Panchayat Election Rules 2006 (hereinafter referred to as 'the Rules') framed under the Bihar Panchayat Raj Act, 2006 which is a publication of the list of territorial electoral constituency under Rules 8(1) and 8(4) of the Rules. A copy of the said publication is placed at Annexure-

1 and which according to Mr. Arun Kumar was published on 30.12.2015.

The grievance of the petitioner who happens to be the Pramukh of the Panchayat Samiti is that although there are no family belonging to the scheduled caste category in Gram Panchayat, Bhavanpur but the publication made under Rule 8(1) and 8(4) of the rules impugned at Annexure-1 lists 174 families falling in Regional Territorial Constituency-I, Bhavanpur, Ramgarh Tola and 158 families under the Regional Territorial Constituency- II, Bhavanpur which is incorrect reflection as even the census does not show any family belonging the scheduled caste categories in these two territorial constituencies. It is the grievance of the petitioner that following the right vested under rule 8(2) of the Rules, an objection has been filed by the petitioner on 4.1.2016 before the District Magistrate, Nawada pointing out the infirmities in the publication but which remains pending and it is on account of ensuing Panchayat election that the matter bears urgency.

Having heard learned counsel for the parties and considering the nature of grievance raised, this writ petition is disposed of with the direction to the District Magistrate, Nawada to consider the grievance of the petitioner and pass appropriate

orders in accordance with law and after giving an opportunity of hearing to the petitioner and considering that the Panchayat election is round the corner an expeditious disposal within four weeks of receipt/production of a copy of this order by a speaking order would be appreciated.

(Jyoti Saran, J)

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