

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4078 of 2016

=====

1. Nitu Singh @ Nitu Kumari wife of Vijay Kumar Resident of village
Asha Khaira under Gram Panchayat Raj Pyarepur, Block- Baikunthpur,
District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gopalganj
2. The District Magistrate, Gopalganj
3. The Chief Electoral Officer, Mangles Road, Patna
4. The Electoral Registrar Officer, Baikunthpur, Gopalganj
5. Block Election Officer- cum-Block Development Officer, Baikunthpur
Block, Gopalganj
6. Booth Level Officer (254), Electoral Registration) Gram Panchayat Raj,
Pyarepur, Baikunthpur, Gopalganj,

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv.

For the Respondent/s : Mr. Rajiv Roy, G.P.5

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-03-2016 Heard learned counsel for the parties.

The petitioner prays for inclusion of her name in the voter list of Gram Panchayat Raj, Pyarepur, Block Baikunthpur in the District of Gopalganj.

The petitioner submits that she got married in December, 2015 and whereafter she filed an application in prescribed format for inclusion of her name in the assembly constituency on 16.12.2015 but which has not been acted upon. Admittedly, the name of the petitioner does not figure in the assembly voter list. Section 126 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') mandates that the assembly voters would be eligible for inclusion of their names in the voter list of the

Panchayat. However, the name of the petitioner does not figure in the assembly voter list. She has also not filed appropriate application as prescribed in the guidelines issued by the State Election Commission on 12.11.2015 whereby such of the persons who were a resident of the Panchayat for not less than 180 days could enter the voter list by filing application in the prescribed format. Thus neither the provisions of Section 126 of 'the Act' is fulfilled in the case of the petitioner nor has she filed her application in Form (३•) as required under the guidelines dated 12.11.2015 of the State Election Commission and in the circumstances no directions can be issued for inclusion of the name of the petitioner in the voter list.

Having held as such and taking note of the submission of learned counsel that the petitioner had filed an application on 16.12.2015 in the prescribed format for inclusion of her name in the assembly voter list and in case the said application is complete in all respects then the District Magistrate, Gopalganj and/or the authorities concerned would take appropriate steps for inclusion of the name of the petitioner in the assembly voter list in accordance with law. This writ petition is disposed of accordingly.

Bibhash/-

U			
---	--	--	--

(Jyoti Saran, J)