

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4430 of 2016

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Sushil Das, Son of Nirala Das, resident of village - Karhari, Ward No.25, Nagar Parishad, Benipur, P.S. Bahera, District – Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Government of Bihar, Patna.
2. The Commissioner, Bihar State Election Commission, Patna.
3. The District Magistrate cum District Election Officer, Darbhanga.
4. The Sub Divisional Officer cum Election Officer, Benipur, Darbhanga
5. Mahendra Paswan, Son of Ram Das Paswan, resident of village- Karhari, Ward No. 25, Nagar Parishad, Benipur, P.S. Bahera, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rudal Singh Mr. Pramod Kumar
For the Respondent-State	:	Dr. Anshuman, SC-14
For the Respondent-SEC	:	Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-03-2016

Heard Mr. Rudal Singh, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Girish Pandey, learned counsel appearing for the State Election Commission.

The limited grievance of the petitioner is that although he has filed an application under section 18(2) read with section 18(1) (m) of the Bihar Municipal Act, 2007 (hereinafter referred to as ‘the Act’) before the State Election Commission praying for disqualification of the private respondent herein from the post of Ward Councillor, inter alia, on grounds that a third child was born to the private respondent on 23.8.2008 i.e. after the cut-off date fixed under ‘the Act’ which is 4.4.2008 but the same has not been disposed of.

Mr. Singh has referred to the application present at Annexure-4 and Mr. Girish Pandey, learned counsel appearing for the Commission invites the attention of the Court to the date of complaint which is 31.1.2016. Mr. Pandey further submits that although the complaint is stated to have been filed on 31.1.2016 but it has no receiving of the Commission.

Having heard learned counsel for the parties and considering the nature of grievance raised herein, I deem it fit and proper to dispose of the writ petition with a direction to the State Election Commission to consider the complaint filed by the petitioner present at Annexure-4 and dispose of the same in accordance with law and after giving an opportunity of hearing to the private respondents herein expeditiously and preferably within a period of six months from the date of receipt/production of a copy of this order. In case the complaint present at Annexure-4 has not been received in the Commission, then the petitioner shall be under a duty to furnish a complete fresh copy thereof with the Commission along with a copy of this order.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

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