

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4685 of 2016

Putul Kumari wife of Shailesh Prasad, resident of village-Manupur Manjan,
P.O. Rasalpura, P.S. Dori Ganj, District-Saran

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna
2. The Director (Panchayati Raj), Government of Bihar, Patna
3. The State Election Commission, Bihar through the State Chief Election Officer, Sone Bhawan, R-Block, Patna
4. The Secretary, State Election Commission Sone Bhawan, R-Block, Patna
5. The District Magistrate cum District Election Officer (Panchayat), Saran
6. The District Panchayati Raj Officer, Saran at Chapra
7. The SDO, Sadar Chapra, Saran at Chapra
8. The Block Development Officer, Sadar, Saran at Chapra

.... Respondent/s

with

Civil Writ Jurisdiction Case No.4798 of 2016

Ranju Devi, wife of Sri Binod Kumar Singh, resident of village-Fatepur,
Gram Panchayat-Basantpur, Block-Basantpur, P.S. Birpur, District-Supaul

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Panchayati Raj Department, Government of Bihar, Patna
2. The State Election Commission through its Commissioner, State Election Commission Bihar Sone Bhawan, Birchand Patel Path, Patna
3. The Secretary, State Election Commission, Bihar, Sone Bhawan, Birchand Patel Marg, Patna
4. The Dy. Secretary State Election Commission, Sone Bhawan, Birchand Patel Marg, Patna
5. The District Magistrate-cum-District Election Officer, Panchayat Supaul, District-Supaul
6. The Deputy Election Officer, (Panchayat), Supaul, District-Supaul
7. The Block Development Officer, Basantpur Block-District-Supaul
8. The Mukhiya, Gram Panchayat Raj Basantpur, Block-Basantpur, District-Supaul

.... Respondent/s

Appearance:

(In CWJC No.4685 of 2016)

For the Petitioner/s : Mr. Bajarangi Lal, Advocate

For the Respondent/s : Smt. Geeta Kumari- GP-28
 For the State E.C. : Mr. Amit Shrivastava, Advocate
 Mr. Sanjeev Nikesh, Advocate

(In CWJC No.4798 of 2016)

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
 For the State : Mr. Abbas Haidar, SC-16
 For the State E.C. : Mr. Amit Shrivastava, Advocate
 Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-03-2016

Heard Mr. Bajarangi Lal, learned counsel appearing on behalf of the petitioner in CWJC No.4685 of 2016 and Mr. Y.V. Giri, learned senior counsel appearing for the petitioner in CWJC No. 4798 of 2016. The State is represented by respective State counsel while the State Election Commission is represented by Mr. Amit Shrivastava and Mr. Sanjeev Nikesh.

The grievance of the petitioners in each of the writ petition is non-inclusion of their names in the voter list for the Panchayat Election, 2016. The provision of Section 126 of the Bihar Panchayat Raj Act, 2006 mandates that it is only such of the electors whose name appears in the voter list of the Assembly concerned would be eligible to be included in the voter list of the Panchayat. The first proviso thereto enables the State Election Commission to alter the voter list but the same is accompanied with the restrictions provided under second proviso.

Insofar as the Panchayat Election, 2016 is concerned, a



notification was issued by the State Election Commission insofar as the preparation of voter list, a copy of which has been enclosed at Annexure-1 to each of the writ petition and was issued on 12.11.2015. The circular issued by the State Election Commission contains the schedule for preparation of the voter list and manifests that the draft voter list was to be published in between 28.12.2015 to 11.01.2016 and the objections thereto are to be disposed of with effect from 28.12.2015 to 18.01.2016.

In each of the two writ petitions the petitioners have raised their objections to the omissions and in CWJC No. 4685 of 2016, the application filed by the petitioner under the prescribed form (५) is placed at Annexure-2 and contains a recommendation of the Block Development Officer, Sadar Saran at Chapra for inclusion of the name of the petitioner in the voter list for **Panchayat Jalalpur** which also stands confirmed from a similar recommendation placed at page-18 which is a part of Annexure-3 to CWJC No. 4685 of 2016.

Insofar as the petitioner in CWJC No. 4798 of 2016 is concerned, the District Magistrate-cum-District Election Officer, Supaul has himself recommended for inclusion of the name of the petitioner in the voter list of the **Panchayat Basantpur** in the



District of Supaul. The recommendation is on the basis of the recommendation made by the Block Development Officer, Basantpur Block, District-Supaul which also forms part of Annexure-5 to CWJC No. 4798 of 2016.

Mr. Amit Shrivastava appearing for the State Election Commission submits that these recommendations are in the light of the enquiry directed by the State Election Commission itself present at Annexure-4. Mr. Shrivastava also invites the attention of this Court to an Advisory issued on 09.3.2016 advising all the District Magistrates who also happen to be the District Election Officers for inclusion of the name of the electors in the voter list for the Panchayat Election, 2016, whose claims have been found to be genuine.

In the circumstances discussed and considering that apparently there is no dispute amongst the authorities connected with the election regarding inclusion of the name of the petitioners herein in the Panchayat voter list, the two writ petitions are disposed of with direction to the District Magistrate, Saran along with the Block Development Officer, Sadar Saran at Chapra insofar as the petitioner in CWJC No. 4685 of 2016 is concerned and to the District Magistrate, Supaul along with Block Development Officer, Basantpur Block, District-Supaul insofar as

the petitioner in CWJC No. 4798 of 2016 is concerned, to take all possible steps for inclusion of the name of the petitioners in the voter list of the Jalalpur & Basantpur Panchayat respectively within 48 hours of receipt / production of a copy of this order.

The two writ petitions are disposed of accordingly.

(Jyoti Saran, J)

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