

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5399 of 2016

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Manoj Sharma son of Sri Bhairo Sharma, village-Pharaira, P.O. – Ayar
(Dalip Pur), P.S.-Agiow Bajar, District-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
3. The Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna
4. The State Election Commission through its Secretary, State Election Commission, Sone Bhawan, 3rd Beet Chand Patel Path, Patna
5. The Commissioner, State Election Commission Bihar Sone Bhawan 3rd Beet Chand Patel Path, Patna
6. The District Magistrate, Bhojpur at Ara
7. The District Panchayati Raj Election Officer

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Pandey S. Sahay, SC-31
Mr. Bhuneshwar Pandey, AC to SC-31
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 28-03-2016 Counsel for the parties are present and have been heard.

The petitioner prays for a writ in the nature of mandamus directing the respondent nos. 2 to 4 to reconsider the categorization of territorial constituency bearing in mind the provisions underlying Rule 11 of the Bihar Panchayat Election Rules read with Section 13 of the Bihar Panchayat Raj Act. No specific reference has been made to question any such reservation on its infirmity. Apart from the fact that such nature of general

relief prayed by the petitioner is not fit for indulgence even otherwise the issue regarding the procedure followed by the State Election Commission for categorization of the territorial constituency was considered by this Court in CWJC No. 2445 of 2016 and other analogous cases and this Court has recorded satisfaction on the procedure followed by the Commission. Further any grievance regarding an incorrect application of the procedure adopted by the State Election Commission in respect of categorization of any constituency cannot be a subject matter of a writ proceeding. The petitioner, if so advised, may take recourse to the forum so available to him in law.

In the aforementioned view of the matter, no cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

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