

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5394 of 2016

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Amit Kumar, S/o Ravindra Sharma, resident of village-Sondiha, Guraru
Prakhand, P.S.-Koach, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna
2. The Registrar, Co-operative Societies, Government of Bihar, Patna
3. The Joint Registrar, Co-operative Society, Magadh Division, Gaya
4. The District Magistrate, Gaya cum District Election Officer (PACS)
5. District Co-operative Officer, Gaya cum Deputy District Election Officer
6. Block Development Officer, Guraru cum Election officer (PACS)
7. Kanausi Primary Agricultural Credit Society Ltd. (in short PACS), Prakhand-Guraru, District-Gaya
8. Bihar State Election Authority through its Chief Election Officer, Patna
9. Shyam Bihari Sharma, S/o Ravindra Sharma, resident of village-Sonadiha, P.S. Kunch, District-Gaya, presently newly elected Chairman of the Kanausi Primary Agricultural Credit Society Ltd. (in short PACS), Prakhand-Guraru, District-Gaya
10. Kailash Ram, S/o not known
11. Pano Devi, D/o not known
12. Shadhu Prajapati, S/o not known
13. Krishna Prajapati, S/o not known
14. Baiju Sharma, S/o not known
15. Ramtawakya Sharma, S/o not known
16. Ram Naresh Singh, S/o not known
17. Ranju Devi, D/o not known
18. Leela Devi, D/o not known

All are the members of the Managing Committee of the Kanausi Primary Agricultural Credit Society Ltd. (in short PACS), Prakhand-Guraru, District-Gaya

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Lakmesh Marvind, Advocate
Mr. Rajnish Kumar, Advocate

For the Respondent/s : Mr. Nasim Yahya, GP-13

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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 is aggrieved by the order dated 11.4.2015

/ 28.4.2015 passed by the Joint Registrar, Cooperative Societies, Magadh Division, Gaya in Election Petition No. 152 of 2014-15 whereby the election has been dismissed.

Perusal of the order manifests that this petitioner has risen from slumber to question the impugned order after a lapse of almost a year.

Perusal of the order further manifests that the petitioner himself was a contesting candidate to the post of Chairman, Kanausi Primary Agriculture Credit Cooperative Society in the district of Gaya and has been defeated at the hands of the respondent no. 9. The foundation for the challenge rests on the infirmity in the voter list. According to the petitioner the voter list suffered from a number of infirmities, namely:

- (a) 499 eligible voters were not included;
- (b) 25 voters were added at two places;
- (c) 22 voters were under age;
- (d) 500 voters were included but were not eligible to be included in the voter list.

According to the petitioner he filed an objection which has not been disposed of.

In my opinion the writ petition is not fit for indulgence on more than one grounds and which are:-

- (1) The petitioner having taken a calculated risk to contest the election on a voter list, he

cannot turn around to question the same;

- (2) The so called objection filed by the petitioner present at Annexure-2 is not addressed to any authority.
- (c) There is nothing on record to show that the so called ineligible voters have contributed to the success of the returned candidate.

For the reasons aforementioned, I am not persuaded to interfere with the order impugned.

The writ petition is dismissed.

(Jyoti Saran, J)

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