

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5522 of 2016

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Sunita Kumari, wife of Dinesh Kumar, resident of village-Kanta, P.O. Kanta, Piraunchha, P.S. Gaighat, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner
2. The State Election Commissioner, the State Election Commissioner (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
3. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
4. The District Election Officer cum District Magistrate, Muzaffarpur, District-Muzaffarpur
5. The Returning Officer (Panchayat Election), Gaighat Block, District-Muzaffarpur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate

For Respondent Nos. 4 & 5 : Mr. P.K. Verma, AAG-5

Mr. Suman Kumar, AC to AAG-5

For the State E.C. : Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-03-2016 Heard Mr. S.B.K. Manglam, learned counsel for the petitioner, Mr. P.K. Verma, learned A.A.G.-V for the State and Mr. Girish Pandey, learned counsel for the State Election Commission.

The prayer of the petitioner is for inclusion of her name in the voter list of Gram Panchayat Kanta Pirauchha (South), Block-Gaighat, District-Muzaffarpur.

Mr. Manglam while admitting that the name of the petitioner was missing from assembly voter list, submits that an



application in Form-6 for the purpose was filed by the petitioner, a copy of which is present at Annexure-2. It is after the publication of the name of the petitioner in draft voter list that she filed an application before the State Election Commission for inclusion of her name in the Panchayat voter list on 23.3.2016 but this application is not in a prescribed format rather is in the form of a representation. However, the State Election Commission in consideration of this representation filed by the petitioner has directed the District Magistrate-cum-District Election Officer, Muzaffarpur to examine the prayer of the petitioner and to submit his report which is present in the letter dated 23.2.2016 enclosed at Annexure-6.

I have heard Mr. Manglam, learned counsel for the petitioner, Mr. P.K. Verma, AAG-V for the State and Mr. Girish Pandey for the State Election Commission.

The short submission of Mr. Manglam is that since the name of the petitioner stands added in the assembly voter list and the State Election Commission has issued directions to the District Election Officer then he should take appropriate decision on the grievance and submit his report.

In the circumstances discussed where admittedly the only step taken by the petitioner is for addition of her name in the

assembly voter list without filing any application in the prescribed format for addition of her name in the Panchayat voter list, this Court without expressing any opinion on the prayer so made by the petitioner for inclusion in the Panchayat voter list would dispose of this writ petition with a direction to the District Magistrate cum District Election Officer, Muzaffarpur to submit his report to the State Election Commission in view of the directions present in the letter of Commission at Annexure-6 for passing appropriate orders.

(Jyoti Saran, J)

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