

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5446 of 2016

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1. Raghwendra Prasad Narayan Shahi, Son of Late Keshav Prasad Narayan Shahi, Resident of Village- Gavirar, P.S. Raghunathpur, District- Siwan.
 2. Sanjay Kumar Singh, Son of Raghav Sharan Singh, Resident of Village- Gavirar, P.S. Raghunathpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Department of Panchayat Raj, Govt. of Bihar, Patna.
2. The Secretary, State Election Commission, Bihar, Patna.
3. The Commissioner, Saran Division, Saran at Chapra.
4. The District Magistrate-cum-District Election Officer (Panchayat), Siwan.
5. The District Panchayat Raj Officer, Siwan.
6. The Block Development Officer-cum-Nodal Officer, Raghunathpur, District- Siwan.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anil Kumar Tiwary, Advocate
For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Sanjeev Nikesh, Advocate
For the Respondent/s : Mr. Ajay, G.A.-12
Mr. Sanjay Kumar, AC to G.A.-12

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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 petitioners pray for a direction to the authorities of the State Election Commission as well as the District Election Officer to declare the Gram Panchayat Raj Gavirar, Block-Raghunathpur in the district of Siwan as unreserved for the

general category as according to the petitioner the procedure has not been correctly followed by the Commission.

The issue of 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 petitioners, if so advised, may take recourse to the forum so available to them 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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