

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7503 of 2016

=====

Md. Afaroz son of late Md.Karim resident of village Garahani, P.S.
Charpokhari District Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Deptt. of Panchayati Raj, Government of Bihar, Patna
3. The Secretary, Department of Panchayati Raj, Government of Bihar, Patna
4. The Election Commission through its Secretary, State Election Commission, Sone Bhawan 3rd Beer Chand Patel Path, Patna
5. The S.D.O. Ara Sadar, District Bhojpur
6. The District Panchayat Raj Officer, Ara, District Bhojpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Adv.

For the Respondent/s : Mr. Arvind Ujjwal- SC25

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-04-2016 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the State Election Commission.

The petitioner is aggrieved by non acceptance of nomination form of his full brother Md. Firoz who is in custody. According to the petitioner his brother after seeking due permission from the court below was taken in custody for appearing before the Returning Officer for filing nomination form on 15.3.2016 and he did reach the office of the Returning Officer within the time prescribed at 4.30 P.M. yet his nomination was not accepted inter alia on grounds that the time was over. According to the petitioner, the nominations have been accepted upto 9.30

P.M. on that day and thus the nomination of his brother has been wrongly denied.

In my opinion, the issues raised by the petitioner regarding non acceptance of nomination is an issue of fact which is required to be proved by evidence and cannot be a subject matter of a writ petition. The petitioner if so advised can take recourse to the remedy so available to him in law for redressal of his grievance but in the circumstances set forth, I am not persuaded to grant indulgence to the grievance raised.

The writ petition is disposed of with the liberty aforementioned.

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--