

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7875 of 2016

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1. Girja Devi, wife of Keshav Singh, resident of Village- Yamuna, P.S.- Chapra Mufassil, District- Saran.
 2. Kamala Devi, wife of Late Ramjee Singh @ late Madan Singh, resident of village- Youmna, P.S. Chapra Mufassil, District- Saran.
 3. Anato Kunwar, wife of Late Badri Singh, resident of Village- Jamuna, P.S.- Chapra Mufassil, District- Saran.
 4. Sima Devi, wife of Ajay Kumar Singh, resident of Village- Jamuna Tola, P.S. Chapra Mufassil, District- Saran.
 5. Sunita Devi @ Kumari Suneet Devi, wife of Ashok Singh, resident of Village- Jamuna Tola, P.S.- Chapra Mufassil, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State Election Commission, Bihar, Patna.
3. The District Magistrate –cum- District Election Officer, Saran (Panchayat Raj).
4. The Sub-Divisional Officer, Saran, Chapra.
5. The Block Development Officer, Sadar Chapra, District- Saran.
6. The Circle Officer, Sadar Chapra, District- Saran.
7. The Election Officer, Sadar Chapra, District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sagir Ahmad Mr. Anil Kumar Saxena
For the Respondent/s	:	Mr. Aditya Nath Pandey, AC to SC-1
For the Respondent-SEC	:	Mr. Amit Shrivastava Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 06-05-2016 Heard the parties.

The nomination of the petitioners for the post of Mukhiya, Gram Panchayat Raj, Mouna in Sadar Chapra Block in the district of Saran has been rejected following the cancellation of their caste certificates on which they rely upon and copies of which are placed at Annexure-5 series.

Although Mr. Sagir Ahmad, learned counsel appearing for the petitioners has laboured hard to impress this

Court that the order of cancellation of caste certificate is de hors the documents on record but then it would require an adjudication on the issue as to whether in fact the petitioners belong to 'Dangi' caste under the Extremely Backward category and whether the cancellation is in accordance with law and which in turn would require appreciation and weighing of evidence.

In my opinion the moment such a contentious dispute arises, the issue sails out from the writ jurisdiction and would have to be raised by the petitioners before the forum so provided under the Bihar Panchayat Raj Act, 2006 and the petitioners, if so advised, can take recourse thereto. The petitioners would also be at liberty to question the cancellation of caste certificate before the District Magistrate, Saran at Chapra and who shall consider and dispose of the same in accordance with law but in the nature of the grievance raised herein and the dispute involved I am not persuaded to exercise the extraordinary writ jurisdiction at the present stage of election.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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