

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7925 of 2016

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Parmanand Ram Son of Late Ganesh Ram, resident of village - Lagunaha, P.O.
Pokharia Rai, P.S. Chanpatia, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, State Election Commission, Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Bettiah, West Champaran
5. The District Panchayati Raj officer, West Champaran at Bettiah
6. The Electoral Cum Block Development officer, Chanpata, West Champaran

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent/s	:	Mr. Gautam Bose, AAG-8
		Mr. Sanat Kumar Mishra, AC to AAG-8
For the State E.C.	:	Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 11-05-2016

Heard the parties.

The petitioner is aggrieved by the rejection of nomination to
the post of Member Panchayat Samiti Kharg Pokharia, Block-
Chanpatia in the district of West Champaran.

A counter affidavit is filed enclosing the nomination of the
petitioner and with reference thereto it is submitted by Mr. Nikesh
that the affidavit as prescribed in Appendix-1 of the guidelines issued
by the Commission has not been submitted by the petitioner.

Mr. Umesh Chandra Verma appearing for the petitioner
submits that although the affidavit in form Appendix-1 was indeed

filed along with nomination form but under the signature of the proposer.

This very statement of Mr. Verma confirms the illegality in the nomination form for in absence of an affidavit in form Appendix-1 which has admittedly not been submitted by the petitioner rather has been submitted under the signature of his proposer as is also manifest from page-17 of the counter affidavit filed by the State Election Commission, the nomination was defective and has been rightly rejected.

In the circumstances where the nomination itself was wanting on the enclosures which are mandatory in nature, no cause for indulgence is made out and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

S.Sb/-

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CAV DATE	
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