

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7890 of 2016

=====

Harinarayan 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, Chanpatia, West Champaran

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. ANJANI KUMAR- AAG-6
For the Commission : Mr. Sanjeev Nikesh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-05-2016

Heard the parties.

The petitioner is aggrieved by the rejection of his 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 form 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 admits that although the affidavit in Appendix-1 was filed along with

nomination form but under the signature of the proposer of the petitioner.

This very admission of Mr. Verma confirms the illegality in the nomination form for considering that the affidavit in Appendix-1 has admittedly not been submitted by the petitioner rather has been submitted under the signature of his proposer Sardul Miyan as is manifest from page-20 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/-

NAFR	
CAV DATE	
Uploading Date	12.05.2016
Transmission Date	