

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7887 of 2016

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Urmila Devi, wife of Umesh Prasad Singh, resident of village- Madhura Siwanpur, P.O.- Dighee Siwanpur, Block- Pirpainti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate -cum- District Election Officer (Panchayat), Bhagalpur
3. The Deputy Development Commissioner, Bhagalpur.
4. The Sub-Divisional Officer -cum- Returning Officer (Zila Parishad), Kahalgaon, District- Bhagalpur.
5. The District Panchayati Raj Officer, Bhagalpur.
6. The Block Development Officer, Pirpainti, District- Bhagalpur.
7. The State Election Commission, Bihar through its Secretary.
8. The State Election Commissioner, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Respondent-State	:	Mr. Satyapal Singh, AC to SC-15
For the Respondent-SEC	:	Mr. Amit Shrivastava
		Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 05-05-2016 Heard the parties.

The petitioner is aggrieved by the postponement of the election to the Territorial Constituency No.28 i.e. Pirpainti South under Zila Parishad, Bhagalpur as a consequence of alteration in the categorization of Territorial Constituency Nos.12 and 13.

Annexure-8 which is the letter of the State Election Commission dated 13.4.2016 manifests that as a result of alteration in the area of Territorial Constituency Nos.12 and 13, the reservation of Territorial Constituency Nos.20, 28 and 31 also got disturbed and consequently the election of these

constituencies have also been postponed and would be notified afresh. The petitioner is thus at liberty to file his nomination as according to the fresh notification. The only apprehension that the petitioner carries is that by the postponement of election of these constituencies her right to contest the election of the post of Chairman may be forfeited.

Mr. Arun Kumar, learned counsel appearing for the petitioner with reference to the notification of the State Election Commission dated 13.4.2016 submits that although schedule has been published only with respect to Territorial Constituency Nos.12, 13 and 20 but in so far as Territorial Constituency nos.28 and 31 are concerned all that the letter mentions is that the same would be notified when the bye election of the Panchayat would be held.

I am afraid the petitioner is not posted with correct facts. The grievance so raised by the petitioner was also a subject matter of writ petitions arising from CWJC No.7312 of 2016 (Nirmala Devi vs. The State Election Commission & others) and analogous cases. The counter affidavit filed by the Commission in the said cases enclosed a letter dated 30.4.2016 of the Commission notifying the election schedule to territorial Constituency No.28 and 31 with the fresh nomination from 10.5.2016 to 16.5.2016. This Court in consideration of the

identical grievance raised by the petitioners as well as the stand of the respondent-authorities of the State Election Commission disposed of the writ petition with liberty to the petitioners to avail of the option available for filing fresh nomination. This Court has also taken note of the submission of the respondent authorities that the election of the post of Chairman to the Zila Parishad would be held only after election of these constituencies are held.

Since the grievance raised by the petitioner has already been taken note of in the judgment passed in CWJC No.7312 of 2016 and analogous cases hence the present writ petition is accordingly disposed of on similar terms and the petitioner is at liberty to file her nomination afresh but within the period prescribed.

In view of the stand taken by the Commission on the issue of election of Chairman, I do not think that the petitioner can have any grievance, however, should any such occasion arise the petitioner would be at liberty to approach this Court.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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