

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19156 of 2014

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Jagannath Kumar son of late Kishori Kumar resident of Village Patarahia,
P.S. Majorganj, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Election Authority through its Chief Election Officer,
Harding Road, 32, Patna
3. The District Magistrate, Sitamarhi- cum-District Election Officer of
PACS
4. The District Co-operative Officer, Sitamarhi-cum-Assistant District
Election Officer
5. The Block Development Officer, Suppi-cum-Election Officer of Narha
PACS, District Sitamarhi
6. Shri Baidyanath Singh son of Kishori Kumar, resident of Village
Patamuhia, Police Station Majorganj, District Sitamarhi, Chairman of
Narha PACS
7. Narha Primary Agriculture Credit Society Limited, through its Paid
Manager, Police Station Majorganj Post Office Narha, Police Station
Majorganj, District Sitamarhi

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Advocate
Mr. K.N. Choubey, Advocate

For the State : Mr. Arvind Kumar-1, SC-13
Mr. Mahendra Prasad Verma, AC to SC-13

For the State Election Authority: Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-02-2016 Although a prayer for pass over is being made on

behalf of the petitioner but considering the nature of relief prayed,

I am not persuaded to adjourn this case for the writ petition itself

is not maintainable.

Counsel for the State and Mr. Mukesh Kumar,

learned counsel for the State Election Authority submit that the

petitioner is aggrieved by an order dated 22.9.2014 of the District Cooperative Officer whereby he has recommended for rejection of nomination paper of the petitioner to the post of Chairman.

The petitioner has also questioned the follow up order dated 16.10.2014 passed by the Block Development Officer, whereby the nomination has been rejected. It is submitted with reference to the provision of Sections 10 and 12 of the Bihar State Election Authority Act read with the provisions of Section 14A (6) of the Bihar State Cooperative Societies Act and the rules framed thereunder that the writ petition is not maintainable and the petitioner ought to have raised the issue of rejection of nomination by way of an election dispute. Reference in this regard has also been made to the case of N.S. Madhawan vs. Shyamdeo Prasad reported in **2010(3) PLJR 578**.

In view of the submissions so advanced, the writ petition is disposed of as not maintainable.

(Jyoti Saran, J)

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