

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14873 of 2015

=====

Sanjay Yadav son of Late Janardan Yadav resident of village - Chanduki,
P.S. Harpur, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Munger Division, Munger
2. The District Magistrate, Munger
3. The Sub-Divisional Officer, Tarapur, Munger
4. The Block Development officer, Sangrampur, Munger
5. The District Co - Operative officer, Munger
6. The Block Co - operative officer, Sangrampur, Munger
7. Gautam Kapri son of Vijay Narayan Kapri resident of village –
Durmattapur, Munger, P.S. Harpur, District - Munger

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Respondent/s : Mr. Md. Raisul Haque, SC-4

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 04-01-2016 Mr. Ajit Kumar Singh, learned counsel for the

petitioner, counsel for the State and State Election Authority are

present and have been heard.

The petitioner has questioned the election to the post of
Chairman, Durmatta Primary Agriculture Credit Cooperative
Society in the district of Munger *inter alia* on grounds that neither
the date of election nor the election schedule was published by the
election authority and by the time the petitioner gathered
knowledge and went to submit his nomination, the time had
expired and his nomination was rejected. The petitioner thus

charges the election authority of holding election in a surreptitious manner depriving him to contest.

A detailed counter affidavit has been filed contradicting the statement made by the writ petitioner and it is specifically stated in paragraph-10 that a notice was published and also put on website regarding the election schedule. It is stated in paragraph-12 that the petitioner reached the office of the Block Development Officer much beyond the time notified for filing nomination and thus his nomination was not accepted. It is stated in paragraph-14 that the notice was published and pasted on the notice board. It is thus submitted that the petitioner has himself to be blamed for not being vigilant enough in filing his nomination.

I have heard learned counsel for the parties and I have perused the materials on record. It is manifest from the nature of dispute raised that the petitioner questions the election *inter alia* on grounds of improper rejection of his nomination paper.

In view of the position reflecting from the counter affidavit where the charges made by the petitioner stands repelled and taking note of the stipulations present in section 12 of the Bihar State Election Authority Act, 2008, the petitioner if so advised, may take recourse to such remedy that is available to him

in law to question the election provided he satisfies the limitation prescribed.

The writ petition is disposed of.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--