

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17219 of 2014

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Sumitra Devi, wife of Chandar Sah, Resident of village - Bariyaria, P.O.
and P.S. Sangrampur, District - East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat), through the State Election Commissioner, Sone Bhawan, Birchand Patel Path, Patna.
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, the State Election commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Election Officer (Panchayat), East Champaran at Motihari, District - East Champaran at Motihari.
5. The Returning Officer (Panchayat Election), Sangrampur Block, District - East Champaran at Motihari.
6. Smt. Nutan Kashyap, wife of Yatendra Kashyap.
7. Smt. Ghurla Devi, wife of Jitan Sah.
8. Smt. Rampati Devi, wife of Late Bala Mahto.

Respondent nos. 6, 7 and 8 are resident of village - Bariyaria, P.O.
and P.S. Sangrampur, District - East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Amit Shrivastava
Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-01-2016 Heard Mr. Ravi Ranjan, learned counsel appearing

for the petitioner and Mr. Girish Pandey, learned counsel

appearing for the State Election Commission.

The petitioner is aggrieved by the order dated
23.5.2014 passed by the Munsif, Sadar Motihari in Election
Petition No.6 of 2011, whereby the election case preferred by
the petitioner has been dismissed.

The election petition was preferred, *inter alia*, on
grounds of irregularity in counting as well as in recounting. It is

not in dispute that on the prayer made by this petitioner that a recount was made by the Returning Officer and which made no difference in the result, for the returned candidate again was declared elected. It is being aggrieved by the process of counting as well as recounting that the election petition was filed and which has also been dismissed bearing no merit.

Despite the persuasive argument of Mr. Ravi Ranjan, learned counsel appearing for the petitioner this Court does not find any ground either in the election petition or in the present proceedings which would persuade for a fourth round inspection. In the circumstances existing where the first round count went against the petitioner and on his prayer a recount was made by the Returning Officer confirming the earlier counting and considering that the Election Tribunal upon examination of the facts and evidence on record has also found no reason to interfere with the result I am not persuaded to interfere with the judgment and order impugned to disturb a successive affirmation of a finding of fact.

This writ petition is dismissed.

(Jyoti Saran, J)

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