

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9530 of 2015

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Dinesh Kumar Singh, Son of Jagdeo Singh, Resident of Village- Rajapur, P.S. Bodhgaya. District- Gaya, present Vice- Chairman, Nagar Panchayat, Bodhgaya, District- Gaya.

.... Petitioner

Versus

1. The Union of India through Ministry of Law & Justice, Government of India, New Delhi.
2. The Chief Election Commissioner of India, New Delhi.
3. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
4. The State Election Commissioner, State of Bihar, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Amit Srivastava, Advocate.

Mr. Girish Pandey, Advocate.

For the State : Mr. Sudish Kumar, AC to PAAG-2.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 09-12-2016

The petitioner has invoked the writ jurisdiction of this Court to fill up 24 vacancies of the legislative council from the members of local bodies/municipalities as envisaged under Article 171(3) of the Constitution of India by amending qualification prescribed under Section 6 of the Representation of Peoples Act, 1951.

We do not find that the writ petition for seeking



amendment to the Act prescribing qualification for the members of the Legislative Council is maintainable as there cannot be any direction to the Legislature to frame a law and in a particular manner.

The writ application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra

AFR/NAFR	A.F.R.
CAV DATE	N.A.
Uploading Date	15.12.2016
Transmission Date	

