

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13899 of 2013

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Afsana Khatoon wife of Irshad Ahmad resident of village Kharjamma Ward No.1, P.O. + P.S. Mahnar, District Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Election Commission Bihar through the State Election Commissioner Birchand Patel Path, Patna 1
3. The District Magistrate cum District Returning Officer (Panchayat) Vaishali
4. The Sub Divisional Officer-cum the returning Officer, Nagar Panchayat Mahnar, Vaishali
5. The Executive Officer Nagar Panchayat Mahnar, Vaishali
6. Smt. Saleha Khatoon, wife of Md. Farudin Ansari, resident of village Kharjamma Ward No.1, Mahnar, P.O.+P.S. Mahnar, District Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Adv.

For the Respondent/s : Mr. Kundan Bhadur Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 28-03-2016 Heard learned counsel for the parties.

The petitioner has filed a complaint before the State Election Commission questioning the nomination filed by the respondent No.6 for the post of Ward Councillor, Ward No.1, Nagar Panchayat, Manhar in the district of Vaishali inter alia on grounds that the nomination form, affidavit and bio-data is forged.

Mr. Girish Pandey with reference to the complaint filed by the petitioner before the State Election Commission present at page 46 of Annexure-4 series submits that the complaint rests on mere suspicion. It is thus the argument of Mr. Pandey that until

such time that forgery is established by a forum with competent jurisdiction a mere suspicion cannot be a ground for interfering with the nomination of the returned candidate.

Learned counsel for the private respondent has denied the allegation to submits that there is no forgery in the document submitted by the respondent.

Having heard learned counsel for the parties and considering the nature of the issues raised by the petitioner to question the nomination filed by the private respondent, I am in agreement with the submission made by Mr. Pandey for until such time that a forgery in the document submitted by the returned candidate is established by a court of competent jurisdiction a mere suspicion thereon is by itself not sufficient to interfere with the result of a returned candidate. The petitioner if so advised may seek recourse to such remedy as available to her in law for the purpose aforementioned but in the circumstances, I am not persuaded to grant indulgence to the grievance raised.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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