

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20947 of 2013

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1. Smt. Tulsi Das @ Tulsi Devi W/O Manik Chandra Roy Resident of Village Chandi, P.O. And P.S. Barsoi, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Panchayati Raj, Rural Development Department, Govt. of Bihar, Patna.
2. The State Election Commissioner (Panchayat) the State Election Commission, Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, State Election Commission, Sone Bhawan Birchand Patel Path, Patna.
4. The District Magistrate Cum District Election Officer (Panchayat), Katihar.
5. The Sub Divisional Officer, Katihar.
6. The Block Development Officer Cum Election Officer (Panchayat), Barsoi, District Katihar.
7. Ramdeo Sada S/O Late Mithan Sada Resident Of Village Chandi, P.S. Barsoi, District Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Karuna Nath Sahay, Adv.
For the Respondent/s : Mr. Sanjay Kr No.2, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 19-04-2016 None appeared on behalf of the petitioner when the matter was taken up yesterday, learned counsel for the State and State Election Commission were present and considering the circumstances, the matter was passed over. Today, again a prayer for adjournment was made which has been refused and on call there is none to press this writ petition.

I have heard learned counsel for the State and I have perused the record.

The petitioner is aggrieved by the order dated 3.10.2013 of



the State Election Commission in Election Case No. 14 of 2012 whereby the election case has been allowed and the petitioner has been unseated from the post of Mukhiya inter alia on grounds that she was a minor at the time of contesting the Panchayat Election in 2011. By the same order, the State Election Commission has also directed the District Magistrate-cum-District Election Officer (Panchayat), Katihar to institute a criminal case against the petitioner under Section 125A (1) and (3) of the Bihar Panchayat Raj Act, 2006. Learned counsel for the State on instructions from the Block Development Officer, Barsoi submits that a criminal case has been instituted against the petitioner giving rise to Barsoi P.S. Case No.159 of 2013 which was registered on 29.11.2013. The order passed by the Election Commissioner thus has taken its effect in so far as the institution of criminal case is concerned and in so far as the removal of the petitioner from the post of Mukhiya is concerned, considering that fresh Panchayat Election for 2016 have been announced by the State and notification under Section 124 of the Bihar Panchayat Raj Act, 2006 have been issued, hence the matter is rendered infructuous. That a criminal case has already been instituted against the petitioner, on the allegations on which election case was founded, I deem it fit and proper to dispose of the writ petition with liberty to petitioner to raise all

issues as raised herein, in support of his date of birth before the criminal court and who shall apply an independent mind while considering the issue in contest regarding the date of birth of the petitioner and dispose of the matter without being prejudiced by the observations of the State Election Commissioner as contained in the order impugned passed in Election Case No. 14 of 2012.

The writ petition is disposed of.

(Jyoti Saran, J)

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