

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9660 of 2016

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1. Uday Shankar Prasad, son of Late Bhola Prasad, Resident of village-chainpur, P.O. Mashrakh, P.S. Mashrakh, District-Saran at Chapra.
 2. Rajendra Singh, son of Late Ramchandra Singh, Resident of village-Ganguli, P.O. and P.S. Mashrakh, District- Saran at Chapra.
- Petitioners

Versus

1. Zila Parishad, Saran at Chapra through the Chairman District-Saran at Chapra.
2. The Chairman, Zila Parishad, Saran at Chapra, District-Saran at Chapra.
3. The Chief Executive Officer, Zila Parishad, Saran at Chapra, District-Saran at Chapra.
4. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The Sub-Divisional Officer, Marhaura, District-Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar -Manglam
For the Respondent/s : Mr. Ashok Kr. Choudhary, AAG-13
For the State E.C. : Mr. Sanjeev Nikesh
For the Zila Parishad : Mr. Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 28-06-2016 Heard Mr. S.B.K. Manglam, learned counsel for the petitioner, learned counsel for the State, learned counsel for the State Election Commission and learned counsel for the Zila Parishad.

The petitioner while questioning the advertisement dated 4.12.2015 inviting the applications for allotment of shops by the Saran, Zila Parishad prays for appropriate direction to the Chief Executive Officer to consider the case of these petitioners in the light of the order passed by this Court in CWJC No.1681 of 2016 (Banaras Prasad Singh and Ors. Vs. Zila Parishad and

Ors.), a copy of which is placed at Annexure-9 to the writ petition.

Mr. Manglam, learned counsel for the petitioner submits that these petitioners were also applicants to the earlier advertisement and have also deposited their earnest money, copies of which are placed at Annexure- 3 and 3/1. He submits that since this Court while considering similar matter arising in the case of Banaras Prasad Singh and Ors. Vs. Zila Parishad and Anr. (supra) had directed the Chief Executive Officer to treat such petitioners who have made deposit of earnest money in response to the earlier advertisement as fresh applicants against the advertisement dated 4.12.2015 hence similar directions be also issued in the case of the petitioners.

Mr. Nikesh Kumar, learned counsel appearing for the Zila Parishad in view of the opinion of this Court relied upon by the petitioners, expresses no opposition to the prayer so made.

In the circumstances discussed, this writ petition is disposed of with a direction to the Chief Executive Officer, Zila Parishad, Saran to consider the prayer of the petitioner in the backdrop of their claim of having made deposit of earnest money against the previous advertisement in the light of the directions of this Court passed in the case of Banaras Prasad Singh (supra) and in case the claim is upheld then to consider

their candidature for allotment of shops in context with the advertisement dated 4.12.2015, by treating them as fresh applicants.

(Jyoti Saran, J)

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