

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12582 of 2016

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Manoj Rishideo, son of late Chaturi Rishideo, Resident of Village -P.O. Mirdoul,
Police Station & Block- Narpatganj, District- Araria

.... Petitioner

Versus

1. The State Election Commission, Bihar Sone Bhawan, Birchand patel Path Patna
2. The secretary, The State Election Commission, Bihar Sone Bhawan, Birchand
Patel Path Patna
3. The District Election Officer (Panchayat), Araria- Cum- District Magistrate,
Araria
4. The Returning Officer, Gram Panchayat Raj Mirdoul-cum-Block Development
Officer, Narpatganj, District- Gopalganj
5. Tilanand Ram son of Bihari Ram, Resident of Village-P.O. Mirdoul, Police
Station & Block- Narpatganj, District- Araria

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Mukesh Kumar Rana, Mr. S. N. Choudhary, Advocates
For the SEC	:	Mr. Amit Shrivastawa, Mr. Girish Pandey, Advocates
For the State	:	Mr. K. P. Gupta, G.P. 10, Mr. Ashok Kumar Gupta, A.C. to G.P. 10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-09-2016

Heard parties.

This writ application has been filed for a direction to the
respondent no.3, the District Election Officer (Panchayat), Araria-
cum-District Magistrate, Araria to take a decision on the

representation filed by the petitioner on 06.06.2016.

From perusal of the Annexure 1 which is a copy of the representation, it appears that the same has been filed with an allegation of bogus voting and due to which erroneous person has been elected as Mukhiya and certificate was also granted to him in this regard.

Petitioner, in the representation, seeks re-counting of the votes.

In my view, once the results are declared and certificate is granted the election authority becomes *functus officio*. A reference in this regard is made to a decision of a Division Bench of this court rendered in **Sanjay Kumar @ Sanju Yadav Vs. The State of Bihar & Ors. [2009(3) PLJR 933]** holding that once the elections is over, results is declared and certificate is issued to the returned candidate under the Bihar Panchayat Raj Act, 2006, the State Election Commission becomes *functus officio*.

Thus, in my view, the District Election Officer or the District Magistrate does not have any jurisdiction to entertain such representation after the election is brought to its logical conclusion. Only remedy which would be available to the petitioner would to file election petition under Section 137 of the aforesaid Act.

Accordingly, in my view, since such relief cannot be

granted by the respondent concerned, it would be meaningless to
relegate the matter to him for taking a decision on the representation.

As a result, this writ application fails, and is,
accordingly, dismissed.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2016
Transmission Date	NA