

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1534 of 2016

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Arun Kumar Sharma, Son of late Gopal Sharma, R/o Village- Soniyama,
P.S- Dulhin Bazar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate -cum- Returning Officer, Gaya.
3. The Superintendent of Police, Gaya.
4. The Station House Officer, Civil Lines, Gaya.
5. The State Election Commission through its Secretary, Sone Bhawan, Patna.
6. The State Election Commission, Bihar, Patna.
7. The Deputy Secretary to State Election Commission, Sone Bhawan, Patna.
8. Soni Kumari, wife of Dhananjay Sharma, R/o Mohalla- Jhilganj, P.S. Kotwali, District- Gaya, at present Mayor, Gaya Municipal Corporation, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Dinu Kumar Mr. Rajesh Kumar Singh
For the Respondent-State	: Mr. Deepak Sahay Jamuar, AC to AAG-6
For the Respondent-SEC	: Mr. Amit Shrivastava Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 25-01-2016 Heard Mr. Dinu Kumar, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Amit Shrivastava, learned counsel appearing for the State Election Commission.

Although it is forcefully argued by Mr. Dinu Kumar, learned counsel appearing for the petitioner that the issue raised by the petitioner to question the conduct of the private respondent in filing his nomination which suffered from suppression of material fact has not been gone into by the

Commission and that the Commission while holding that the issue raised is beyond the scope of section 18(1) and (2) of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') has abdicated its jurisdiction to consider the issue raised but in my opinion the Commission is absolutely correct in holding that the issue raised by the petitioner would not fall within the jurisdiction of section 18 of 'the Act' for the petitioner in substance has questioned the validity of the nomination filed by the private respondent which manifestly is an election dispute, to be raised before the appropriate forum under 'the Act'.

Another aspect of the matter which does not persuade this Court to exercise discretionary jurisdiction is that the election having taken place in 2012 the petitioner has woken from slumber to raise an election dispute more than two and half years thereafter.

Neither on merits nor on maintainability the issue raised is fit to be upheld and was rightly rejected by the Election Commission.

This writ petition is dismissed.

(Jyoti Saran, J)

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