

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5926 of 2016

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1. Aasha Devi, W/o Ramesh Prasad, village-Parrai, PO Tarangar, PS-Bihta, District-Patna
 2. Shanti Devi, W/o Brijlal Prasad, village Bela, PO-Neora, PS Bihta, District-Patna
 3. Mina Raj, W/o Rabindra Kumar Rai, village-Neuri, PO-Neora, PS Bihta, District-Patna
 4. Dipti Singh, W/o Mukesh Kumar, village-Parainia, PO-Neora, P.S. Bihta, District-Patna
 5. Lalita Devi, W/o Bhagwan Pandit, village-Mochita, P.O. Neora, P.S. Bihta, District-Patna
 6. Snnu Devi, W/o Vikash Kumar, village-Tikaitpur, PO Neora, P.S. Bihta, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The State Election Commission through the Sate Election Commissioner, State Election Commission, 3rd Floor, Sone Bhawan, Beer Chand Patel Path, Patna-1
3. The Secretary, State Election Commission, 3rd Floor, Sone Bhawan, Beer Chand Patel Path, Patna-1
4. The District Magistrate-cum-District Election Officer, Patna
5. The Sub-Divisional Officer, Danapur-cum-Returning Officer, Patna
6. The Sub Divisional Officer, Danapur-cum-Returning Officer, Patna Zila Parishad, District-Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No.6002 of 2016

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Salahati Devi W/o Markenday Tiwary, R/o village Babhanuli, P.S. + Circle-Bijaypur, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, State Election Commission, Bihar, Patna at Sone Bhawan, Birchand Patel Path, Patna
3. Collector cum District Election Officer (Panchayat), District-Gopalganj
4. Deputy Development Commissioner, Gopalganj, District-Gopalganj
5. Jila Panchayat Raj Padadhikari, Gopalganj, District-Gopalganj
6. Block Development Officer, Bijaypur, P.S. + Parkhand-Vijaypur, District-Gopalganj
7. Prakhand Panchayat Raj Padhadhikari, Bijaypur, P.S. + Prakhand-Bijaypur, District-Gopalganj

.... Respondent/s

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Appearance:

(In CWJC No.5926 of 2016)

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

Heard Mr. S.B.K. Manglam, learned counsel for the

The petitioners are aggrieved by the modification in the categorization of the territorial constituency. While the petitioners in CWJC No. 5926 of 2016 are aggrieved by the letter dated 21.3.2016 whereby the earlier reservation status in respect of Constituency nos. 7, 8 and 20 stands cancelled, a copy of which letter is present at Annexure-2 as well as the revised programme issued and present at Annexure-3, similar grievance is raised in respect of territorial constituency no. 18 and 19 under Bijaypur Block in the District of Gopalganj in the other writ petition.

It is the argument of learned counsel for the petitioners that besides the action being arbitrary, it also forfeits the chances of these petitioners to move for other options.



Mr. Sanjeev Nikesh, learned counsel for the Commission with reference to a letter dated 21.2.2016 placed at Annexure-R/1 of the counter affidavit filed today submits that the reasons for such alteration stands explained and which does not prejudice the petitioner since even after the modification, the constituency nos. 8 and 20 remained unreserved and if the petitioners were interested they could have well filed their nomination for these constituencies. He submits that similar is the situation in the other writ petition which stands explained in the Counter Affidavit filed in the said case.

Having heard learned counsel for the parties and taking note of the stand of the Commission present in the Counter Affidavit as also the reasons for the modification introduced vide Annexure-2, I find nothing arbitrary in the decision taken which merely corrects an irregularity. That the petitioners did have opportunity to file their nomination but have not chosen to do so although the revised programme was issued on 22.3.2016, the submissions of Mr. Manglam that the cancellation of nomination of these petitioners by virtue of alteration of the status of the constituency forfeited the chance available to the petitioners to contest from any other constituency loses its weight and becomes unsustainable. Even otherwise the right vested in the Commission

to take such decisions stands affirmed in the judgment of this Court reported in **2006(4) PLJR 377 (Nikesh Kumar vs. State of Bihar)**. Although a last minute attempt was made by Mr. Manglam to pray for extension of the date of nomination but considering that Annexure-3 itself provided sufficient opportunity, any order by this Court would be unwarranted and an unnecessary interference with the election schedule.

The two writ petitions raising identical issue are dismissed accordingly.

S.Sb/-

(Jyoti Saran, J)

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