

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6327 of 2016

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Shailesh Kumar

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Pd. Singh No.2

Mr. Arun Kumar Singh

For the State E.C. : Mr. Amit Srivastava

Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 07-04-2016

Heard learned counsel for the parties.

The petitioner seeks a direction in the nature of mandamus commanding the respondent-Authorities of the State Election Commission to reserve the Gram Panchayat Raj, South Sagar, Sultanpur in the district of Siwan for women in open category.

It is the argument of learned counsel appearing for the State Election Commission that the allotment of constituency has been done by following Rule 11 of the Bihar Panchayat Raj Rules, 2006 (hereinafter referred to as 'the Rules') and there is no infirmity. The issue regarding allotment of territorial constituency has been considered and the pattern followed by the State Election Commission is upheld by this Court in the judgment rendered in CWJC No.2445 of 2016. This Court while upholding the procedure followed by the State election Commission has also

reserved right in the aggrieved to raise the issue of incorrect application of the pattern in individual constituency but by way of an election dispute. Even otherwise, since after the issuance of the notification under Section 124 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act'), any issue concerning the election can be done only by raising an election dispute.

For the reasons aforementioned this writ petition is disposed of in terms of the order passed by this Court in CWJC No.2445 of 2016 and analogous cases together with the liberty granted thereunder.

(Jyoti Saran, J)

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