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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6471 of 2016

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Anupam Sharma, W/o Shri Raj Kumar, resident of Village- Pasaudha, P.S.- Sigori, P.O.- Muripa, Block- Paliganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate –cum- District Election Officer (Panchayat), Patna.
2. The District Panchayat Raj Officer, Patna.
4. The Block Development Officer, Block- Paliganj, District- Patna.
5. The Block Development Officer –cum- Returning Officer, Block- Paliganj, District- Patna.
6. The Assistant Returning Officer, Block- Paliganj, District- Patna.
7. The State Election Commission, represented through its Secretary, State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna-800001.
8. The Commissioner, the State Election Commission, Bihar, Sone Bhawan 3rd Veer Chand Patel Path, Patna-800001.
9. The Secretary, the State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna-800001.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shri Prakash Srivastava
For the Respondent/s	:	Mr. Madhulata Verma, AC to GA-2
For the Respondent-SEC	:	Mr. Amit Shrivastava Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 08-04-2016 Heard Mr. Shri Prakash Srivastava, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Girish Pandey, learned counsel appearing for the State Election Commission.

The grievance of the petitioner is that the nomination paper filed by her has been rejected.

Although strictly speaking a rejection of nomination is an election dispute to be raised before the appropriate forum,

nonetheless Mr. Shri Prakash Srivastava has tried to distinguish the issue at hand. Fact of the matter is that the name of the petitioner was wrongly typed in the voter list of Panchayat election 2011 as it reflects from serial no.375 present at Annexure-3. The petitioner however did not take any steps to get it corrected for all the five years and it is only after the Panchayat Election 2016 are announced that she took steps to get it corrected by filing Form-6 to get it rectified in the Assembly voter-list which has been done vide Annexure-4. The petitioner having got her name corrected in the Assembly voter list with effect from 1.1.2016 she was yet to complete the second part of the process to get her name corrected in the Panchayat voter-list and for that she had to file Form 'ड.' prescribed by the State Election Commission to get their name corrected. Admittedly no such step was taken by the petitioner to get her name corrected by filing an appropriate application and as a consequence her name continues to be wrongly typed in the voter-list of the Panchayat election.

In the admitted circumstances where the name of the petitioner does not figure in the Panchayat voter list as mentioned in Annexure-4 nor any step has been taken by the petitioner to get the error rectified, no indulgence can be granted

to the relief prayed and the writ petition is disposed of leaving it open for the petitioner to seek her remedy before the appropriate forum, if so advised.

(Jyoti Saran, J)

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