

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7023 of 2016

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Saroj Agrawal, W/o Sri Kishori Mohan Prasad Agrawal, resident of village + P.O. Aanti P.S. and Block Konch, District – Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Panchayat Raj Bihar, Patna.
2. The Chief Election Officer, Bihar, Patna.
3. The Secretary, Staff Election Commission, Sone Bhawan, R. Block, Patna.
4. The District Magistrate, Gaya.
5. The Sub - Divisional Magistrate, Tikari (Gaya).
6. The Block Development Officer, Tikari (Gaya).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain
For the Respondent/s : Mr. Uday Shankar Sharan Singh, G.P.-1
For the State E.C. : Mr. Amit Srivastava with
Mr. Sanjeev Nikesh.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-04-2016

Heard Mr. R.K. Jain, learned counsel appearing for the petitioner, Mr. Uday Shankar Sharan Singh, G.P.-1 and Mr. Amit Srivastava, learned counsel appearing for the State Election Commission who appears along with Mr. Sanjeev Nikesh.

The petitioner by this writ petition prays for issuance of a writ in the nature of mandamus commanding the election authorities to accept her nomination filed for the post of Mukhiya, Gram Panchayat, Aarti under Konch Block, in the district of Gaya which nomination has been rejected *inter alia* on grounds that her name does not figure in the Panchayat Voter list published in 2016.



A supplementary affidavit was filed by the petitioner enclosing Panchayat Voter list of 2011 as well as the Assembly Voter list of 2015 vide Annexure-8 and 9 respectively and on the strength thereof it was argued by Mr. R.K. Jain, learned counsel for the petitioner that since the name of the petitioner did figure in the Panchayat Voter list, 2011 as well as in Assembly Voter list of 2015 hence the latches were on the part of the authorities in not including the name of the petitioner in the Panchayat Voter List, 2016 and for which the petitioner cannot suffer.

It is on the directions of this Court that Mr. Srivastava, learned counsel appearing for the State Election Commission has filed a list of documents which contains a letter of the District Magistrate, Gaya -cum- District Election Officer addressed to the State Election Commission issued in connection with the grievance raised by the petitioner. Mr. Srivastava has referred to the amended Assembly Voter list published on 31.7.2015 which forms a part of the communication forwarded by the District Magistrate –cum- District Election Officer and which contains the list of deleted names and is inclusive of the name of the petitioner appearing at serial no.788.

Whereas the petitioner has chosen to enclose only page-2 of this amended voter list which does reflect the remarks present at

page-1 and clearly mentions that the list contains the name of such of the voters whose names have been deleted. Since page-1 of this amended voter list was not enclosed by the petitioner hence the confusion.

In the circumstances discussed and where the name of the petitioner was deleted from the Assembly Voter list of 2015 and admittedly did not figure in the Panchayat Voter list of 2016 and since no step was taken by the petitioner for inclusion within the time prescribed by the Commission, no cause for indulgence is made out.

The writ petition is dismissed.

Let the communication handed over by Mr. Amit Srivastava, learned counsel for the State Election Commission be maintained on the record.

(Jyoti Saran, J)

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CAV DATE	
Uploading Date	7.5.2016
Transmission Date	